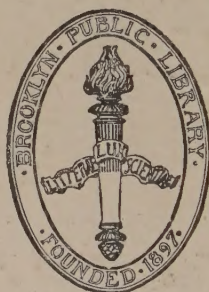


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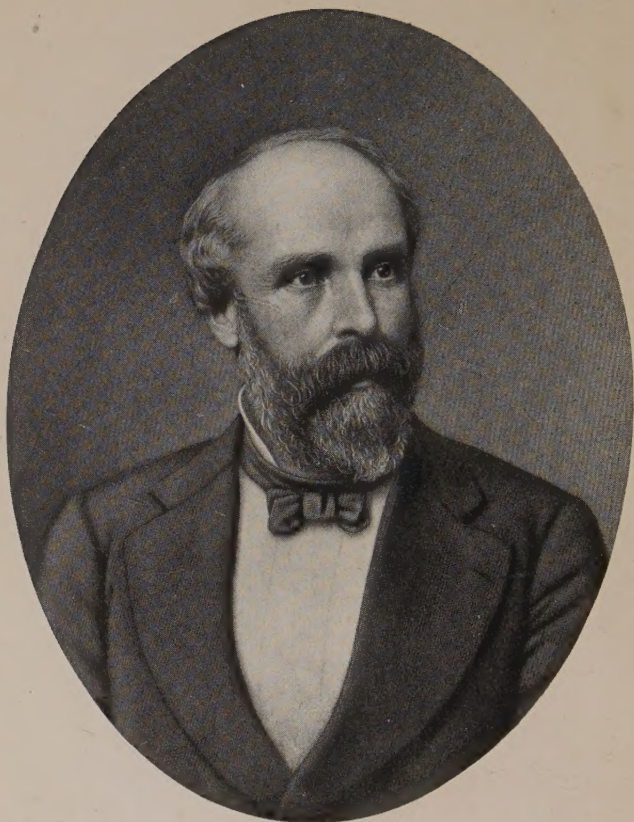


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ARTHUR GEORGE OLMSTED

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VOLUME 1, 2, 3, 4

ARTHUR GEORGE OLMSTED

SON OF A PENNSYLVANIA PIONEER; BOY ORATOR OF
ULYSSES; FOR THE FREEDOM OF THE SLAVE;
DEFENSE OF THE UNION; DEVELOPMENT
OF THE NORTHERN TIER; CITIZEN,
JURIST, STATESMAN.

By
RUFUS BARRETT STONE



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“He lives twice who lives well.”

—Olmsted Ancestral Motto.

PREFACE

THE generation in which a man of distinction has lived becomes familiar with the significant incidents of his career. But if he has survived to a great age and gradually retired from public view, while the visible results of his genius, his public spirit, his philanthropy, remain as the mementos of his mature years, the story of his earlier life becomes dim, and the perfect whole can only be restored by retracing the steps of his upward pathway. It is due to the community in which he lived, to the people and the state which he served, that some account of the notable incidents of his ancestry and the circumstances of his youth should be preserved, and some connected record made of the leading events which marked the contemporary history of the community of which he was a part, and which gave impression to his character in its formative period and to the development of his ripening faculties. The history, itself, is incomplete without the relation which he bore to it, the

part taken by him, which, perchance, gave to occurrences then transpiring some distinctive form and significant direction towards results of historical consequence. In the span of life of one who, from youth to old age, lived in a pioneer county of northern Pennsylvania, and became influential in its settlement and progress, it is to be presumed that incidents in its growth were comprehended. So the stories of the community and the individual run parallel, and here and there are interwoven.

Official distinctions, however high or numerous, though denoting public confidence, are not the truest measure of success in life. Neither Franklin, nor Edison, nor Longfellow, were elevated to the highest posts of official honor. Indeed, public service sometimes interrupts careers which, if left to normal courses, might evolve into far more important spheres of usefulness. Moreover, the call to office is not alone dependent upon qualities for service, but is more or less incidental, contingent upon environment, events, historic periods. So influential are these factors that, given the period and place, the parentage and ancestry, an attentive student of biography, with a sufficient knowledge of history,

local and general, could almost project and weave into a narrative, the prefigured incidents of a boy's life; or, if the course of life were run, looking backward over the actual events, could see where its natural development had been deflected or accelerated. It must, therefore, be considered that as youth develops to manhood and manhood to middle age, and so on, the influences exerted by the individual and his environment upon one another are doubly interesting. His contribution in its relation to locality and events is the true criterion of his success.

In the preparation of this volume the writer has consulted both personal correspondence and published family histories, including the *Genealogy of the Olmsted Family*, by Rev. George K. Ward; *An Abridged Genealogy of the Olmsted Family*, by Elijah L. Thomas; *Savage's Genealogical Dictionary*; *American Ancestry*; *Genealogical and Personal History of Northern Pennsylvania*; also town and county histories, inclusive of histories of the counties of Potter, Cameron and McKean in Pennsylvania; of the counties of Delaware, Saratoga, Fulton and Ulster in New York; of the towns

of Norwalk, Ridgefield and Hartford, in Connecticut; Gazetteer of the State of New York, Twentieth Century of Bench and Bar, McClure's Recollections of Half a Century, Report of the Geological Survey of Potter County, Journals of the House and Senate of Pennsylvania; also files of the *Potter County Journal*, *Philadelphia Inquirer*, *Press*, *Evening Telegraph*, *North American* and *United States Gazette*.

Acknowledgment for courtesies is also extended to Mr. F. S. Hammond, of Syracuse, N. Y.; Mr. C. S. Heverly, Towanda, Pa.; Mr. Oscar J. Harvey, Wilkesbarre, Pa.; to the Historical Society of Pennsylvania, Widener Public Library of Philadelphia, State Library of Pennsylvania, Grosvenor Library and Public Library of Buffalo, Connecticut State Library, and to the respective offices of the Adjutants General of the United States and of the States of New York, Massachusetts and Connecticut.

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Many men
are anxious about the future
of the Country. Give yourself no
concern about that, the future
is boundless, and is counted
by summer it will take
care of itself. It is only
the present illuminated by the
past with which we have
to do.

—From the manuscript of Arthur G. Olmsted.

CHAPTER I

FOLLOWING THE MAYFLOWER

*No home for these!—too well they knew
The mitred king behind the throne;—
The sails were set, the pennons flew,
And westward ho! for worlds unknown.*

*And these were they who gave us birth,
The Pilgrims of the sunset wave,
Who won for us this virgin earth,
And freedom with the soil they gave.*

—HOLMES.

THE English birthplace of the Olmsted family was in old Essex¹ (East Saxon), between Cambridge and Braintree.² These rolling uplands constituted the heart of the agricultural district tributary to London. Land titles, not held by socage, free or villein, were becoming settled into tenures of frankalmoigne, grand serjeanty or copyhold, and the

¹ "Bounded on the east and south by the German Ocean and the River Thames; by Suffolk and Cambridgeshire on the north, and by Hertfordshire and Middlesex on the west."—*Wright's Encyclopædic Repository* (London).

² The ancient English seat of the Olmsted family has been long identified. Allusion is made to the parish of "Elmsted" in "Doomsday Book" for the County of Essex in the reported survey made under William the Conqueror in 1086. The name is Saxon, "Elm" and "sted," meaning the place of elms. It was also written Almesteda, Enmested. In this parish, later known as Bumsted-Helion in Cam-

inhabitants, whose prayers were answered in great annual harvests of coriander, canary and caraway, were already searching and fertile for the seed of new thought—if only freedom of thought had been vouchsafed. There were days when the odors of the sea wafted inward over the fens their suggestions of other shores; and on the Blackwater ocean ships were setting their sails.

When James Olmsted, the first of the colonists, set out for America, he left the eastern counties of England in a state of intense religious commotion. Luther had nailed his ninety-five theses to the door of the Wittenberg church, and the blows of his hammer had been heard across the English Channel. Calvin, too, had spread dissent. The government was alarmed, and sought to suppress the uprising with an iron hand. A statute was enacted “for abolishing diversity of opinions.” The people of England, according to the historian Green, had become

bridgesbire, near the present town of Braintree, the ancestral home was situated. As early as 1242, it was occupied by Maurice de Olmstede, and earlier by Martin de Olmsted, who was the donor of lands to the fraternity of the Knights Templar. The modification of the name is perhaps due to the fact that the manor was surrounded by a moat, since the Saxon word “holm” signified an island. The house, still well preserved, and now included in the property of the University of Cambridge, is a long low structure of stone and plaster, with thatched roof. Since the fifteenth century it has been known as Olmsted Hall. It is thought that this designation is due to the fact that within its walls at one time courts were held.—*Wright's Index*, Vol. II, pp. 759-60; *American Ancestry*, IV, p. 29.

FOLLOWING THE MAYFLOWER 17

“the people of a book, and that book was the Bible.” The Puritans pleaded in vain for the liberty of interpretation. They were pursued to their hiding places.¹ Nevertheless, they multiplied. “A great number of the Fathers of the American States,” says Guizot, “had frequented their assemblages.” A law was enacted forbidding persons over five in number, and over sixteen years of age, unless of one family, to meet for domestic or social worship. Thus persecuted, the people in 1592 petitioned the privy council for permission to come to unexplored America, for freedom to worship God “As in conscience persuaded by His Word.” Although the petition was ignored, the dissenters increased. Perpetual discussion prevailed. Surely it was “no mean school for intellectual training.” Raleigh, a year later, speaking in parliament, said that there were twenty thousand who attended conventicles. They were mainly residents of the counties along and near the eastern coast, Norfolk, Suffolk, Essex, Middlesex and Cam-

¹ “They were imprisoned and scourged; their noses were slit; their ears were cut off; their cheeks were marked with a red hot brand. But the lash and the shears and the glowing iron could not destroy principles which were rooted in the soul, and which danger made it glorious to profess. . . . The dungeon, the pillory and the scaffold were stages in the progress of civil liberty towards its triumph.”—*Bancroft's Hist. of U. S.*, Vol. 2, page 320.

bridge, including the notable seats of learning¹ and centers of wealth. How completely the growing purpose of the liberty-loving people of these counties to transplant their ideal England to the shores of America was ultimately realized is denoted by the fact that the counties bordering on Massachusetts Bay were given the identical names of the English counties, and ere long became a veritable New England to the eager immigrants, who carried with them the love of their native land.

The decade to come was one of repressed religious yearning, of persecution and ferment. At length the little church of the Pilgrims escaped to Holland. The *Mayflower* sailed and returned. Meantime Cambridge had become the center of revolt. It was here and in the neighboring communities of Essex that Thomas Hooker and Samuel Stone, both of Emmanuel College, dared to preach the doctrine of the freedom of the conscience. King James declared: "I will make them conform, or I will harry them out of the land, or else worse—only hang them; that's all." The beckoning of freedom toward

¹ Fiske, however, comparing the two great universities, notes the "greater conservatism" of Oxford, and the "greater hospitality of Cambridge towards new ideas."

America became irresistible. Cromwell sympathized with the Puritans, and would have sailed with them, but was taken from the departing vessel by order of the King, a circumstance by which a new direction was given to the history of England.¹ Hampden, too, was eager to throw in his lot with the colonists, and though he remained in England, he ultimately aided them to procure a royal charter.

Within the Cambridge sphere of influence were the Essex homes of James Olmsted and his brother Richard. They had thrived under the wise economic maxim of Elizabeth: "The money which is in the pockets of my subjects is as useful to me as that in my treasury." They were the owners of large estates, and while it is not recorded that they left all to follow in the wake of the *Mayflower*, the purpose to emigrate could not have been contemplated without anticipating material sacrifice.

The decision involved more to them than can now be easily reckoned. It implied the

¹ Four years later (1641) when Parliament had by a majority of eleven votes passed the remonstrance, Oliver Cromwell said: "If the remonstrance had been rejected, I would have sold all I have in the morning and never would have seen England more, and I know there are many honest men of the same resolution."—*Gunsot's History of England*, Vol. II, p. 444.

utmost individual risk for the cause of religious liberty. Their leadership and influence at this juncture could hardly have been over-rated by their exiled compatriots.¹

These brothers, James and Richard, were children of James, Jr. (and Jane Bristow), of Great Leighs, County of Essex, born about 1550, who was one of three sons of James, whose wife was Alice, and who was a descendant of Richard, born about 1430, these facts being verified by the church records of Fairsted and Great Leighs.²

When the time for departure came, it seemed best that Richard should remain in England, presumably to better dispose of his own and his brother's affairs, for of his intention to go there can be little doubt, since his three children, Richard, John and Rebecca, accompanied their uncle James. Their father, however, did not survive to join them in their New England home. Besides these children of his brother, James was accompanied by his

¹ "It was not a mere party of adventurers gone forth to seek their fortune beyond seas, but the germ of a great nation wafted by Providence to a predestined shore. . . . These men possessed, in proportion to their number, a greater mass of intelligence than is to be found in any European nation of our own time. . . . Nor did they cross the Atlantic to improve their situation or to increase their wealth; it was a purely intellectual craving which called them from the comforts of their former homes; and in facing the inevitable sufferings of exile, their object was the triumph of an idea."—*De Tocqueville's Democracy in America*, Vol. I, pp. 38-40.

² Address of Prof. Everett W. Olmsted, *Olmsted Genealogy*, by Olmsted and Ward, p. xv.

own sons, Nicholas and Nehemiah, and by a goodly number of his Essex neighbors. There were one hundred and twenty-three passengers, including fifty children. They sailed from Braintree, a river port in their own county, in the ship *Lyon* under Captain Pierce, and after a voyage of twelve weeks arrived in Boston harbor, on Sunday, the sixteenth day of September, 1632. They settled first at Mount Wollaston, now Quincy, near Boston, but in the course of the year "by order of the Court," they removed to Newtown, soon to be known as Cambridge, a name dear to these heroic exiles. Hooker and Stone, when they landed a little later, found the larger part of their Cambridge congregation awaiting them at the wharf.

The entire Massachusetts colony then numbered but little more than a thousand souls. John Winthrop, of Groton, in English Suffolk, had been chosen governor. Among those who had come over on the previous voyage of the *Lyon* was Roger Williams, the founder in New England of the Baptist faith. The year had been notable, too, for the visit of the Sagamore of the Mohegans from the banks of the Connecticut. He came to extol the

fertility of the lands of the river valley, and to solicit an English plantation as a reinforcement against the Pequods.

Richard Olmsted, the elder of the young immigrants of the Olmsted name, was nearly twenty-one years of age when he stepped ashore, having been baptized at Fairsted in Essex, February 20, 1612. The invitation of the Mohegans appealed to his spirit of adventure, and to the vigor of his young manhood. Besides, he and his companions were in revolt against the theocratic government of the Bay Colony. He enlisted with a number of his Cambridge comrades for the proposed expedition. Westward to the Connecticut was an unexplored region.¹ Under the inspiration of Hooker and Stone, who already had a vision of a true government conceived by them on shipboard, they struck out into the wilderness, and after many days of hardship and danger, reached the river bank, and founded a settlement to which they afterwards gave the name of Hartford, after

¹ Extract from *Winthrop's Journal*: "June 30, 1636. Mr. Hooker, pastor of the church at New Town, and the most of his congregation, went to Connecticut. His wife was carried in a horse-litter; and they drove one hundred and sixty cattle and fed of their milk by the way." Trumbull says: "This adventure was the more remarkable as many of this company were persons of figure, who had lived in England in honor, affluence and delicacy, and were entire strangers to fatigue and danger."

the county seat of old Hartford,¹ the birth-place of Samuel Stone. There could not have been more than fifty persons in the settlement, for as late as 1637 there were, according to Bancroft, but one hundred and eighty in the three towns of the colony, Hartford, Windsor and Weathersfield, noting that he says the force organized in that year to prosecute the Pequod war numbered about sixty men, "one-third of the whole colony." Richard Olmsted was one of the original proprietors in this colony. He was a soldier in the colonial army. His native qualities of leadership were soon recognized. He was elected a sergeant, and quickly promoted to a lieutenancy. The enemy was defeated.

¹Pronounced "Harford."

CHAPTER II

AT THE CRADLE OF THE REPUBLIC

THE colony effected an organization under a constitution adopted January 14, 1639. It was an epochal organic document, being the first in the series of American constitutions, and it has never since been materially altered.¹ Hooker had been restive and rebellious under the theocratic commonwealth projected for the Bay Colony. "The foundation of authority," said he in an election sermon preached before the general court in May, 1638, "is laid in the free consent of the people, to whom the choice of public magistrates belongs by God's own allowance." In further exposition to Winthrop, Hooker wrote:

"In matters of greater consequence, which concern the common good, a general council, chosen by all, to transact businesses which concern all, I conceive, under favor, most suitable to rule, and most safe for relief of

¹ Says John Fiske: "It was the first written constitution known to history that created a government, and it marked the beginnings of American democracy."

the whole. This was the practice of the Jewish church, and the approved experience of the best ordered states."

Thus, from the beginning, Connecticut was constituted an independent republic. The prescribed oath of office recognized no higher authority. It bound the magistrates "to administer justice" according to the laws here established, and for want thereof according to the word of God." It was a brave renunciation of the doctrine of the "Divine right of Kings."

Richard Olmsted, scarce twenty-eight years of age, took part in this organization of the colony he had fought to save from the destruction for which it had been marked by the savage Pequods. He was elected a delegate to the first legislature, called the "General Court," and thereafter for many years was repeatedly chosen to take part in its deliberations. He held other less important offices. His dwelling-house in Hartford was on the west side of Main Street, at No. 49. The site in later years has been occupied by the Central Church and the old burying-ground.

Two years after the adoption of the Con-

necticut constitution all the colonies of New England united in a formal confederation, and John Winthrop was elected president. Then followed a decade of peaceful colonial growth. By the middle of the seventeenth century the population of New England had increased to twenty-one thousand. Two hundred ninety-eight ships had borne them across the ocean. In ten years fifty towns and villages had been planted. Still religion, as in the land they had left, was the uppermost theme. While Roger Williams, brave pioneer of intellectual freedom, was a welcome visitor at Hartford, the Baptist doctrine which he taught was a new source of agitation. From the Rhode Island colony, also, came Samuel Gorton, proclaiming that heaven was not a place, that there was no heaven but in the hearts of good men, no hell but in the mind; and later came the exiled Quakers. Nevertheless, to the inhabitants whose lives had hitherto been harassed by the oppressions of the crown, these were the "halcyon days of peace." "These days," says the historian, "never will return. Time, as it advances, unfolds new scenes in the grand drama of human existence, scenes of more glory, of more wealth, of

more action, but not of more tranquillity and purity."

Richard Olmsted, in 1651, had arrived at the age of thirty-nine. Hooker, the beloved pastor and incomparable colonial leader, had died, and theological controversies were again arising. A treaty with the Dutch governor had been signed at Hartford, defining territorial claims, and relieving from controversy the royal charter which had been procured for the English colonists, by Hampden, the great Commoner, and his associates, extending from Point Judith westward to the Pacific Ocean. Wide opportunities seemed to be opening. The settlements of New England were expanding toward the West. It was sufficient to stir the imagination and stimulate the ambition of one in the vigor of life, as was Richard Olmsted. He had in some humble degree helped to fashion at Hartford a new form of government among men, based upon the will of the people, the freedom of the conscience, the separation of church and state, a civil code which was to become the framework of the future republic. Now, he aspired to found a town, and mold and develop it after his own plan. About ten years before he had acquired

grants of considerable land¹ about sixty-eight miles southwest of Hartford, near the mouth of a little stream emptying into Long Island Sound, and to it, "defying the dangers of wild beast and Indians," he removed with his own and nineteen other families. He had two sons, James and John, and a daughter, who died in infancy, all children of his first wife. Although twice married, as disclosed by his will,² no particulars of either marriage are recorded. The settlement at length became centered in a place called Norwalk, now a flourishing city of twenty thousand people. Here he spent his mature life. The town grew as he designed. He was its representative in General Court, from year to year. He was sergeant of its military company.³ At the outbreak of King Philip's War (1675), he was sixty-three years of age.

The growth of the colonies had encroached upon the Indian hunting grounds. The religion of the white man was a source of irritation. Massasoit had tried in vain to preclude

¹ "He had large grants of land in Fairfield, which then embraced a considerable territory, portions of which were narrow strips running back from the coast about six miles, to the present town of Redding, and including lands since known as Chestnut Hill and Buckingham Ridge; also grants on the site of Norwalk, the same being recorded on page 1 of Vol. I of *Norwalk Land Records*."

² Will dated Sept. 5, 1684, recorded in Book III, p. 217, *Fairfield Probate Records*.

³ Savage's *Genealogical Dictionary of New England*, Vol. III, p. 312.

by treaty any attempt to convert his warriors from the religion of their race. War was to the Indians an unwelcome alternative. "They rose without hope, and they fought without mercy. For them as a nation there was no tomorrow." The white settlers, too, were appalled at the prospect of war. Superstition ran wild. At the eclipse of the moon an Indian scalp was seen imprinted on its disk. A perfect Indian bow appeared in the sky. The sighing of the wind became the whistling of bullets. Invisible troops of horses were heard galloping through the air. In such a terror-stricken community Richard Olmsted was the leader to whom the settlers turned for heroic guidance. He was chosen captain of a company of militia, and led it through that bloody year of ambushade and surprise, of fire and pillage, to the end of the most destructive war ever visited upon New England.

At the close of the war Captain Olmsted was again returned to a seat in the legislature, and for several successive terms was re-elected. He died in 1686, seventy-four years of age. His will was signed two years before his death. It is on file at Fairfield, the county seat.

His son, John Olmsted, who, with James, his brother, shared the property of their uncle, John Olmsted, at his decease, was baptized at Hartford, December 30, 1649. By his father's will he acquired the parental homestead and other valuable real estate. He married (July 1, 1673) Mary Benedict, daughter of Thomas and Mary (Bridgeman) Benedict, of Southfield, Long Island, and upon her demise he married Elizabeth (Pardie), widow of Thomas Gregory. He left the parental homestead at Norwalk, and took up his residence at Hartford. In 1699 and again in 1703 he was chosen selectman, and in the military company he was a lieutenant. He died in 1704. His will is not recorded, but in the inventory of his estate the names and approximate ages of his children appear.¹ Among his children were two sons, of whom Richard, the younger, was born in 1692, and Daniel ten years earlier. Richard married (April 22, 1714) Mary Betts (who was born September 10, 1693, and died January 31, 1786), daughter of Samuel and Judith (Reynolds) Betts.

These two young men seem to have in-

¹ *Descendants of Captain Richard Olmsted*, by Hammond.

herited the enterprise and pioneer spirit of their grandfather, for, as early as 1708, before either was married, they had negotiated the purchase of twenty thousand acres from the Indian sachem Catoonah, and his associates of the Ramapoo tribe. This tract was a part of the unsettled wilderness, about thirteen miles north of Norwalk, lying along the eastern boundary of New York. The consideration was one hundred English pounds. The purchase was sanctioned by the general assembly sitting at Hartford. The two brothers and twenty-two others, of Norwalk and Milford, formed a colony and settled on this tract. When the settlement became a town, it was called Ridgefield, the name which it still bears.

Richard Olmsted served as town clerk in 1712, when barely twenty-one years of age.¹ What other offices he may have subsequently held is not now known, but he was called Captain Olmsted. Hence it is to be inferred that he was a captain of the Ridgefield company in the state militia. He died October 16, 1776, eighty-four years of age.

¹ The elder brother, Daniel, represented the town in the state legislature in the years 1742 and 1743.

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His son, Daniel Olmsted, one of ten children, was born in Ridgefield September 22, 1731. In 1753 he married Elizabeth Northrop, who was born in Milford, Connecticut, about 1735, and died April 30, 1822.

CHAPTER III

IN THE REVOLUTION

NO battles of consequence after Concord, Lexington and Bunker Hill, were fought on New England soil, excepting the battles of Ridgefield and Bennington. In both of the latter instances, as in the march of the British to Concord, their aim was to secure or destroy a store of military supplies, and in each battle the Americans were victorious.

On the 26th day of April, 1777, a British force under Tryon, the Royalist Governor of New York, marched inland as far as Danbury, Connecticut, where they destroyed not only a considerable quantity of supplies but also the principal part of the town. The historian Johnston thus describes¹ what followed:

“There were some Continental soldiers in the neighborhood, and two officers of rank, Wooster and Arnold. The latter rallied all

¹ Johnston's *Connecticut*, p. 304.

the men available, regulars and militia, and headed Tryon on his retreat, at Ridgefield (a few miles south of Danbury). In the battle Wooster was mortally wounded, and Tryon broke through and resumed his way to the Sound. Arnold kept up the pursuit until the British took refuge on the shipping and sailed away."

Daniel Olmsted, then about forty-six years of age, was one of the six hundred Continental soldiers who rallied under Arnold that April day to throw up a barricade at the cross-roads in Ridgefield, and give battle to the British. The representation that they were rallied by Arnold is not historically accurate. In fact, the reverse is true. Arnold was a native of Norwalk, and happened to be a visitor in a neighboring town. Captain Isaac Hines, of Colonel Nehemiah Bardsley's regiment, commanded the militia company at Ridgefield, and as soon as he learned of the British raid upon Danbury, nothing is more probable than that he sent for both Arnold and Wooster. But how were the soldiers rallied? Who played the part of Paul Revere and carried the alarm to Fairfield, Bedford and Norwalk? It was Daniel Olmsted who

mounted his horse and rode.¹ He was a private in Captain Hines' Company, and had already been put to test as a guard over a group of his Tory neighbors arrested as "persons inimical to the United States of America."²

Accelerated, doubtless, by this British raid upon Danbury, the destruction of property along its course, and continued danger of like hostile invasion from the ports of the Sound,³ a considerable number of the inhabitants of Ridgefield and its vicinity decided upon a removal of their families westward to some settlement beyond the Hudson, and Stillwater, in the neighborhood of Ballston, in the county of Albany (now Saratoga), New York, was chosen as the destination. The historian of Saratoga County refers to the settlement of Ballston as "just about coeval with the removal of the Connecticut colony to Stillwater."⁴ Among these colonists was the family of Daniel Olmsted, and there is good ground for presumption that he was a leader in the movement. The death of his father had

¹ Daniel Olmsted may not have been the only messenger, but his own service is attested in the pay abstract of the company for horse travel.—*Connecticut Historical Society Collections*, Vol. VIII:200.

² *Connecticut Archives*, Rev. 1st Ser. VIII:216.

³ An apprehension verified by Tryon's destruction of Norwalk, July 11, 1779.

⁴ *History of Saratoga County* by Sylvester (1878), p. 246

broken the last parental tie, and two of his children were in their infancy. Moreover, for many years the Connecticut Colony had become aware of the wealth of material resources lying along the headwaters of the Susquehanna and Delaware, within its royal grant. It was twenty-three years (in 1753) before his father's death (though Daniel had then but just passed his twenty-second birthday) when the Connecticut-Susquehanna Company was formed to purchase the Indian title to lands on the waters of the Susquehanna, within the limits of the Colony of Connecticut. The company was composed of eight hundred and forty persons (afterwards increased to twelve hundred), and included a large proportion of the leading men of the colony. The purchase was consummated, and deed procured, dated July 11, 1754. A similar association, called The Delaware Company, bought the Indian title to all land bounded east by the Delaware River, within the forty-second degree of latitude, west to the line of the Susquehanna purchase (which extended ten miles east of that river). It is not improbable, and subsequent events afford support to the view, that the removal to

Ballston was but a step towards the promised land. Beyond was the region of the Iroquois, then in league with the British. The Seneca and other hostile tribes were on the war path, and a reign of terror among the white settlers presently culminated in the Wyoming massacre on the 30th day of June, 1778.

With the record cited relating to the battle of Ridgefield, Daniel Olmsted passed out of service in Connecticut as a soldier of the War of the Revolution, but he soon afterwards reappeared as a private in Captain Thomas Hick's Company of Colonel Jacobus Van Schoonhoven's regiment (Half Moon and Ballston districts),¹ and subsequently himself rose to a captaincy. No account remains of the meritorious action by reason of which he gained promotion.

Daniel Olmsted was a taxpayer in the Ballston district in 1779, and in the list of the 31st of December of that year he was assessed a tax of five pounds twelve shillings and sixpence upon a valuation of one hundred and fifty pounds.² It was in the summer of that

¹ The company and regiment are recited in Certificate No. 19928 for 15s. 5½d., dated 7 November, 1779.—*Certificates of Treasurer* (Manuscript record), Vol. 4, Mss. section, University of the State of New York. Like mention on list in office of Adjutant General, United States War Department (2253205).

² *History of Saratoga County*, by Sylvester, p. 250.

year that the expedition of General Brodhead from Fort Pitt to destroy the Indian villages on the upper waters of the Allegheny, and the expedition of General Sullivan northward through the Indian country of central New York, came almost to a point of junction near Olean. The Iroquois fled before them, but a harassing warfare continued year after year, receiving encouragement from the garrisons of the British border forts, until, on the 20th day of August, 1794, the Northwestern Indians were routed by Mad Anthony Wayne at the battle of Fallen Timbers. This was almost immediately followed by a general treaty of peace with the Indians, and emigration from the East began to be resumed.

CHAPTER IV

ON TWO FRONTIERS

WITHOUT delay upon the close of his military service, Daniel Olmsted set out, probably alone, for the country of the upper Delaware. Jay Gould, noted as a financier, himself a native of Delaware County, while a youthful surveyor, and then a resident of the county, wrote its history, though he afterwards tried to suppress the work by buying up the printed copies. It was published in 1856. It contains this passage relating to the pioneers:

“The following information in relation to the early settlements was derived principally from Cyrus Burr, a highly respectable citizen of Andes, and formerly and for a number of years, supervisor of that town. The family of Mr. Burr moved into the county in 1794, and settled in what was then called Middletown, Ulster County, but now Andes, Delaware County, at which time the entire town, except a few farms along the river, was one unbroken wilderness. The first farm border-

ing on the river below the Middletown line was owned by James Phenix, who was among the first that emigrated after the Revolution. He had occupied the place before the war, but had retired for safety during that period. A man by the name of Olmsted, who came in about the same time, possessed the second farm."

Presuming the latter to have been none other than Daniel Olmsted, he must have soon relinquished his clearing on the river, for he is recorded about the same time as a settler a few miles farther west at or about the settlement afterwards known as Masonville. The *Gazetteer* of the State of New York,¹ published in 1859, mentions Daniel Farnsworth and one Pross as the first settlers on the present site of Davenport Center, and continues as follows: "Among the other first settlers were Humphrey Denio, George Webster, Daniel Olmsted, ——— Van Valkenburg, Harmon Moore and Elisha Orr." Walter Scott, a contributor to the county history,² referring to the accredited priority of Farnsworth and Pross, adds:

"But they could not have much preceded Daniel Olmsted, who settled on the farm now

¹ Page 260, note 12.

² *Centennial History of Delaware County*, p. 326

occupied by the widow of Chauncey Olmsted, for Mr. Alexander Shellman informs me that his grandfather settled near the old Emmons hotel east of Oneonta about 1790, and that in making the journey to Schoharie the Olmsted settlement was the first one passed. The orchard on that farm is said to be the oldest one in town."

Masonville, which so became the family settlement, was not formally set apart from Sidney until April 4, 1811. The town took its name from Rev. John M. Mason, the principal owner of the Evans patent of lands in this town. The surface of the region may be described as hilly upland, divided into two ridges by the valley of Bennett's Creek, which extends east and west through the north part of the town. These ridges are subdivided by numerous lateral ravines, through which flow small brooks. The highest summits are from six hundred to one thousand feet above the valleys and eighteen hundred to two thousand feet above tide. The soil is of shaly loam, stony and difficult of cultivation except in the valleys. It is probable that the community itself did not gain a population exceeding one hundred during the lifetime of

Daniel Olmsted. His wife having joined him early in his pioneer pilgrimage, the parental home was maintained at Masonville during the remainder of their respective lives. They had nine children, all of whom appear to have been born in their Connecticut home, Molly, the youngest, December 26, 1776, and Seneca about a year earlier.¹ Molly married Lee, a Revolutionary soldier, and removed to Roxbury in Delaware County, three years before her father's death. Seneca grew to manhood at the parental home near Ballston, and not far from Broadalbin (organized in 1793, now in Fulton County), gaining such education (mainly that of experience in earning a livelihood) as a pioneer settlement then afforded. At the age of twenty-three (about 1798) he married Elizabeth Hicks, presumed to be a relative, perhaps a daughter, of his father's Revolutionary captain (Thomas Hicks), and they almost immediately joined the little colony at Masonville, and established their home there.

Daniel Olmsted died February 7, 1806,

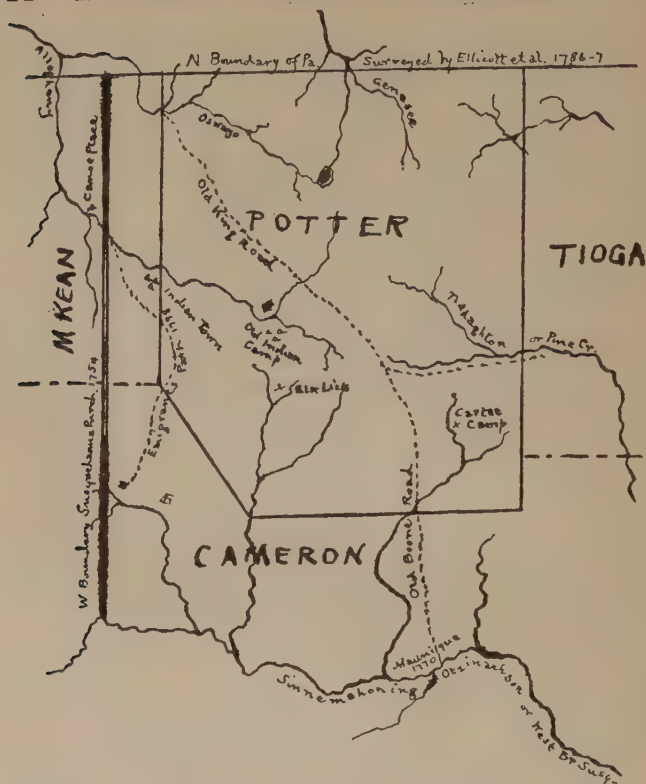
¹ F. S. Hammond, author of "Descendants of Captain Richard Olmsted," and an accredited contributor to the "Genealogy of the Olmsted Family in America," in which valuable work a line of descent through Daniel's brother, Ezekiel, has been accepted, writes, January 21, 1918: "Now I am fully convinced that there is just one error in this, and that the name of Daniel Olmsted, Jr., should be substituted for Ezekiel." This conclusion is abundantly confirmed.

leaving to survive him his widow and several children, including Seneca, who had succeeded his father as a leader in the community. Seneca's wife did not long survive. She died in the year following, and thereupon it is probable that his widowed mother came to live with him and care for his three little children, of whom the eldest was but eight years of age. His name was Daniel (namesake of his grandfather), and he was born August 2, 1799.¹ He had a sister Lucy² and a brother, Gardner Hicks.³ Seneca Olmsted is said to have been of robust frame, and possessed of great strength of mind and body. He and his mother exerted a very positive personal influence in Masonville and its vicinity. The first church in the town was formed December 7, 1811, and it is easily to be believed that they were influential in its organization. It was of the denomination founded in New England by Roger Williams, the Baptist, to which the Olmsted family has most generally and continuously adhered. The widow of

¹ It is not unlikely that Daniel was born at Providence, Saratoga County, N. Y., while his mother was on a visit to relatives there, since the Olmsted Family Genealogy (Ward) mentions Providence as his birthplace.

² Lucy grew to womanhood, and married William Rufus Sanford, of Marion, N. Y.

³ Gardner Hicks Olmsted accompanied his elder brother Daniel to Ulysses, Pennsylvania, and later became a resident of Bennettsville, New York.



From Sheaffer's Historical Map of Pennsylvania (by permission of the Historical Society of Penna.) designed to show Indian names of streams and villages and paths of travel. No Indian village or path appears to have existed in Tioga, and none in McKean excepting the one here shown and "Burnt Houses" on the western border; though in the latter county there are streams named Conondaw, Kinzua and Dunungwa.

Said Hon. Charles Tubbs, in his historical address at the Lycoming Centennial: "Northern Pennsylvania and the region of the Allegheny was a hunting ground into which the Senecas descended from the seat of their power on the Genessee. There were their castles and there they kindled their council fires."

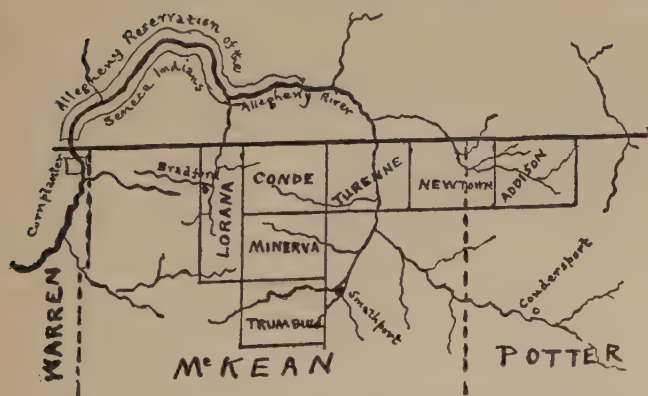
Daniel Olmsted died April 30, 1822. His grandson, Daniel, who was then twenty-three years of age, became the head of the family. On the first day of the following May (1823), he married Lucy Ann Schofield, of Masonville, born August 18, 1807, and therefore less than seventeen years of age, daughter of Lewis and Clarinda (Young) Schofield. They had six children, of whom the two eldest were born at Masonville. The other four were born at the later home of the family in Ulysses township, in the county of Potter and State of Pennsylvania.

Potter County is one of the Northern Tier counties of Pennsylvania, and the New York state line serves, therefore, as its northern boundary. It is within the strip claimed by the Connecticut-Susquehanna Company, along which its block-houses, once garrisoned, were established twenty miles apart.¹ From the day that Daniel Olmsted, with the infant Seneca, took his departure from his Connecticut home, there is little doubt that these lands were contemplated as the ultimate destination of the family. Seneca Olmsted

¹ The block-house in Deerfield Township, Tioga County, Pennsylvania, was the birth-place of F. W. Knox, Esq., a contemporary and business associate of the subject of this biography.

and his son Daniel were true to the tradition. The Olmsted settlement, which became Masonville, was in a sense *en route*. During the period of their residence there, the long controversy over the title between Connecticut and Pennsylvania continued. The Connecticut claimants under the Susquehanna Company repudiated the decision of the congressional tribunal at Trenton, and continued their surveys. They prepared for resistance, and induced General Ethan Allen, the hero of Ticonderoga, to join them. But Pennsylvania, by successive acts of assembly, and the exertion of the power of the state in various ways, finally triumphed, and in the second decade of the nineteenth century, the legislative compromise offered by Pennsylvania had been generally accepted, and titles had become settled.¹ So the father and son

¹ While no comprehensive outline of this controversy can be here given, some aspects of it, not hitherto noted, are worthy of attention. By the Decree of the Council of Trenton, created by Congress, the claim of Connecticut to the land in Pennsylvania north of the 41st degree of latitude was rejected. But the Connecticut settlers contended that the decree affected only the controversy between the states, and was in no sense an adjudication of the claims of the Susquehanna Company. Hence they ignored the decree, and the company proceeded to advance its settlements. A state of civil war ensued. The state administration of Pennsylvania sought to quell the trouble, not only by force of arms, but by diplomacy and palliating legislation. An Act of Assembly was passed March 28, 1787, known as the Confirming Law, designed to confirm certain titles in actual settlers. Nevertheless, as late as February 18, 1793, the proprietors under the Susquehanna Company, to the number of twelve hundred, assembled at Athens, and took further aggressive action. On the 4th day of April, 1799, the Pennsylvania Legislature enacted a law known as the Compensation Law, fixing a schedule of prices per acre, at which, upon payment to the state, the controverted titles might be confirmed, supplemental legislation following during several successive sessions. But

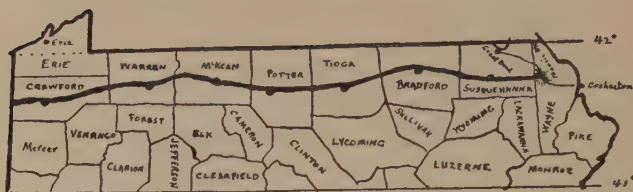


Townships created by the Connecticut-Susquehanna Company in 1796. Grant of Lorana to Joshua Downer, Ezekiel Hyde and Samuel Ensign (they having exhibited sufficient vouchers of proprietorship) signed by John Franklin, Simon Spalding and Samuel Ensign, Commissioners, recorded (survey having been approved) in Liber F, page 112, of the Records of the Susquehanna Company.

This map also shows the Allegheny Reservation of the Seneca Indian nation, lying across the river one-half mile in width on each side. It shows, too, the Cornplanter grant of 1,000 acres.

these laws, in the excited state of the public mind, did not meet with general acceptance.

The state administration, however, under the leadership of William Bingham, had already entered upon a parallel auxiliary course. Mr. Bingham was, at the time, not only rated as the wealthiest citizen of Pennsylvania, but also as its most influential political figure, having been a delegate in the Congress of 1787, and a representative of the government abroad. As Speaker of the Pennsylvania House in 1791 and President of the Senate in 1795, he was in a position of advantage to procure desired legislation. The plan in view was to throw Pennsylvania settlers in large numbers into the vacant lands in advance of the Susquehanna Company, and organize local governments therein under the laws of Pennsylvania. Doubtless this plan was conceived conjointly with the other master spirits of the commonwealth's cause, Timothy Pickering, Chief Justice McKean and Attorney General Bradford, but Mr. Bingham entered zealously into it. By Act of 1792, the price of these lands was reduced, and upon the same being offered for sale, he became the chief purchaser, particularly in Potter and adjoining counties, and many of the warrants so purchased by him in 1793 he proceeded to sell to John Keating and others who actively undertook to forward settlements. Thereupon Mr. Bingham was promoted immediately from the speakership of the State Senate to a seat in the United States Senate, in which body he served from 1795 to 1801, during which period he was for a time its presiding officer. Meanwhile, in 1799, Thomas McKean became Governor, and proceeded to carry out the pre-arrangement for the establishment of local civil administration. But actual settlements had proceeded so slowly that when the Act of 1804 was passed, creating Potter and its companion counties, it was absolutely uninhabited. A further important step was to be taken. Just as



"East and West Road," the great state highway designed to bind settlers in allegiance to Pennsylvania who claimed homesteads under Connecticut title. (See note.)

who at Masonville had watched the steps of the controversy, again turned toward the chosen land. The Cushing family with which they were closely allied preceded them, Samuel Cushing becoming one of the first county commissioners of Potter County. The loca-

fifty years later the Union Pacific Railroad was constructed to bind California to the Union, so in 1807 the East and West Road was projected by Act of Assembly to be built from a point "where the Coshocton and Great Bend Turnpike passes through the Moosic Mountains thence in a westerly direction to the western boundary of the state." It was such an assertion of the immediate and beneficent presence of the state in this region that there can be little doubt but that, as the construction of the road progressed through the counties of Bradford, Tioga, Potter and McKean, it served as a bond to hold to the commonwealth the allegiance of the settlers. Thus, in the course of time, the sagacious policy of Senator Bingham prevailed, and the title contest was abandoned. This was not accomplished, however, without some reaction. As late as 1835 indignation meetings in Bradford County held up the proprietors as "Our lordly European and American landholders" who have "monopolized for very small consideration a great portion of the land in Northern Pennsylvania, contrary to the spirit of our free institutions," etc., and it was resolved that "until the trustees of the Bingham estate establish a title by a solemn decision of a court of competent jurisdiction," etc., "we will not pay another dollar to them or their agents." There was no difficulty nor delay in procuring judicial recognition of the challenged title.

An interesting episode in this controversy was afforded by the entrance of General Ethan Allen. After the Trenton Decree which struck down the claim of Connecticut to the disputed territory it was the plan of Colonel John Franklin, the able leader of the Connecticut claimants, to organize the Northern Tier of Pennsylvania into a new state. To this end he summoned to his aid General Allen, who had just secured statehood for Vermont. He came, says Heverly, in "Bradford Pioneer and Patriot Families" (Vol. I, p. 178), in cocked hat and feathers, declaring that he had made one state and "By the Eternal God and the Continental Congress" he would make another. But he had been checkmated by Pickering, at whose instance the Pennsylvania Legislature had created the disturbed district into a new county, named Luzerne, a measure which divided the followers of Franklin and frustrated his plan.

tion selected was about one hundred ten miles southwest of Masonville, an open "Cat-skill Region," according to the geologist, of which the present borough of Lewisville is near the center, and watered by Cushing Creek



Potter County, the fountain-head of far-flowing rivers.

and its tributary brooks. It is, however, not far from the famous crest, for along the borders of the township streams flow diversely southward to Chesapeake Bay, northward to Lake Ontario and southwest to the Gulf of Mexico. The historian writing in 1880 said:

"The greater part of the township is still as wild as it was when the pioneers of Pike

Township looked in upon the wilderness, and nothing less than the necessities of the future will ever lead to its improvement."¹

Forty years earlier, and therefore near to the date of the Olmsted settlement, the report of the State Geological Survey, referring to Potter County generally, said:

"It remains almost what it was a century ago, an unbroken forest tenanted by the panther, bear, deer, wolf and fox."²

The region was covered with pine and hemlock timber, afterwards to become of great value. The soil of Ulysses Township is termed Volusia, and is especially adapted to dairy farming, and to the cultivation of buckwheat and potatoes.³ When an unbroken sheet of ice, say two thousand feet in thickness, came gliding down the Canadian slopes, it found a barrier in the mountainous range which had been lifted into the air along the state boundary between Olean and Salamanca. The ice thrown off on either hand, as by a plowshare, as it passed away from the eastern end of the mountain wall, moved southeast

¹ *History of McKean, Elk, Cameron and Potter (Beers & Co.).*

² *Report of Geological Survey of Potter County*, p. 65.

³ *State College Bulletin No. 3.*



A prehistoric battle-ground, where the giant glacier met the unconquerable highlands and turned aside. The line of crosses shows the path of the terminal moraine. The map is adapted from the Warren Folio, U. S. Geol. Survey, after Leverett, who designed to show the probable preglacial drainage of Western Pa.—(1) Coudersport, (2) Smethport, (3) Warren, (4) Meadville, (5) Franklin, (6) Pittsburgh, (7) Erie, (8) Dunkirk.

across the county of Potter, leaving the traces of terminal moraine in its pathway.¹ The mean elevation of Ulysses Township above sea level is about 1,700 feet. Against deadly drainage of fertility in all directions the forest through countless years had stood sentinel over the soil.²

At any rate, it was a virgin soil, and bore its crown of pine. To the family at Masonville, shut in by its hard limitations, Ulysses seemed the Eldorado of their dreams.

¹ *Geology of Oil Region*, III, p. 372.

² In a poem by James Harcourt West entitled "Detritus," there are some fitting lines:

"Could they who till the Mississippi vales—
Through thousand thousand leagues far-stretched and fair—
Know well what wealth of distant mountain stair
Has crumbled to endow their verdant dales;
Could they but hear the pounding of old gales
In lands of Seneca and Crow and Bear,
Or count the centuries the sun and air
Have filched from forest-lands with silent flails:
Did they thus ken how came their rich black earth,—
By grain and grain from Gardens of the Gods,
From skyey lines far yonder out of reach
Where Allegheny, Yellowstone, have birth,—
What new luxuriance would star their sods,
How costlier far would gleam each vine and peach!"

CHAPTER V

BOYHOOD AND SCHOOLDAYS

IN 1836 Arthur George Olmsted, the youth to whose life-work this volume is devoted, was nine years of age. He and his elder brother accompanied his father, mother and grandfather in their final pilgrimage. There had been five previous stages in the family migration on this continent—from Cambridge to Hartford, thence to Norwalk, to Ridgefield, to Ballston, and to the upper waters of the Delaware. All had been accomplished on foot and by ox teams, through wild or sparsely settled forest region. As again the little caravan moved away from the village which had grown up around their own homestead, doubtless they looked back now and then as long as the spire of their beloved meeting-house could be seen shining white above the trees. It was a tedious expedition, and not without the perils incident to the life of the pioneer, but in due time the destination was reached, and there the home was estab-

lished which was to be known once more as Olmsted's Corners.

Four years later the township was created. It had twenty-nine residents, although in 1831 there were but five families within its borders. During the first year (1837) following the arrival of the Olmsted family, the first school-house was built and the first (Baptist) church organized. When the church was incorporated (January 6, 1849), Daniel Olmsted was one of the trustees, and his brother, Gardner Hicks Olmsted, was clerk and also a trustee. Here Seneca Olmsted spent the remainder of his days, and lived to the advanced age of eighty-six years, itself a testimonial to the simplicity of his habits and the rectitude of his life. He died January 23, 1860, just as the country began to be stirred with the mutterings of Southern secession. He had lived to see his son Daniel, with whom he lived, become a representative citizen of the county, honored and respected in the community, a leader in the church and in public affairs, and his grandchildren grown to manhood and womanhood, excepting Seneca Lewis, his namesake, who died in his minority, and Herbert Cushing, then a boy of

fifteen. Their success in life must have cheered his declining years.¹

His son, Daniel, their father, was from the beginning the active leader of the Olmsted settlement. The village of Lewisville, since incorporated as a borough, grew up near the center of the township, and in 1841 he was appointed postmaster, the office retaining the township name, Ulysses. He was fortunate in the selection of a homestead. It adjoined on the west the lands of Lucas Cushing (with whose family, also, his own was to be joined in romance and wedlock), and embraced one hundred nineteen acres. It was a part of the great area of lands of William Bingham of Philadelphia, and is described as Lot No. 74, being a part of warrants 1261 and 1265. He went into possession under contract of pur-

¹ Henry Jason Olmsted, born at Masonville, Nov. 22, 1825, married May 14, 1846, Evalina Theresa Cushing (born Aug. 31, 1826), daughter of Lucas Cushing of Ulysses. They removed to Coudersport in March, 1848. He served as prothonotary of Potter County for twenty-one years.

Arthur George Olmsted, born at Masonville September 30, 1827, herein further mentioned.

Sarah Elizabeth, born June 15, 1830, married March 10, 1850, Chauncey G. Cushing of Lewisville (Potter Co.), born August 22, 1828, died Sept. 12, 1877, son of Lucas Cushing—a successful merchant, member of the Baptist society and superintendent of the Sunday School.

Daniel Edward Olmsted, born May 30, 1832, died Dec. 29, 1900, married Aug. 29, 1854, Lydia Laura Cushing (born Sept. 30, 1835), daughter of Lucas and Chloe (Wood) Cushing. A prosperous merchant at Coudersport for fifteen years, afterwards a resident of Williamsport.

Seneca Lewis Olmsted, born May 11, 1838, died Oct. 2, 1856.

Herbert Cushing Olmsted, of Emporium, Pa., born Oct. 21, 1845, married Sept. 10, 1865, Martha M. Cushing (born Sept. 28, 1843, died May 28, 1905), daughter of Leavitt and Jane (Goodrich) Cushing.

chase, and in 1849 took title by deed. In 1854 and 1857 he purchased from H. H. Dent allotments of forty-one acres and fifty-two acres, respectively, both in the township of Ulysses.

Here at Ulysses he continued to reside until the death of his wife, which occurred in 1865. His living children had then set up their own households, and he was left alone. The home which had for many years echoed to children's voices now seemed desolate, and he did not linger in it. It soon passed into other hands. In the following year he was again joined in marriage. His second wife was Jane (Robertson) Bennett, daughter of Jabez Robertson and widow of Ira Bennett. Thereupon he took up his residence with her at Bennettsville, in the county of Chenango, in the State of New York, scarce three miles from Masonville, and there was his last home. He at once allied himself with the Baptist church of that place. The minutes of August 5, 1875, cover a resolution to unite with the Baptist church of Bainbridge (three miles distant). The resolution was signed by Jane Olmsted, Daniel Olmsted, G. H. Olmsted, S. G. Scofield and others.¹

¹*History of the Counties of Chenango and Madison*, p. 179.

He lived to the age of eighty-three years and two months. His death occurred at his home in Bennettsville, October 2, 1882. For fifty-five years he had been a steadfast and exemplary member of the Baptist church, in which he held the office of deacon. In an obituary notice it was said of him that "he possessed a wonderfully calm and well-poised spirit. Hasty, loud, impatient and angry utterances were strangers to his lips. Those who knew him best observed his entire freedom from the vice of evil speaking. Neither was it pleasant for you to pour complaints against neighbors and acquaintances into his ears. The grave silence with which they were received amounted to a severe rebuke to him who spoke the evil." And again it was said that he was "noted for his frugal and industrious habits, and his kindly, considerate regard for his friends and neighbors." The opportunity for distinguished service had not come to him. It was something to have led an upright life, endured many hardships, and to have lived to witness the success and happiness of his surviving children. His second son, Arthur, had already risen to distinction.

Arthur's boyhood days had been spent with his brothers and sisters at the parental fire-side. Alike with them he received from his father and mother the impress of their strong, reverent natures, and was guided by the example of their daily lives. He and his elder brother had received their primary education at Masonville, but mainly from their parents and the pastor of the church, the era of free schools in New York not having arrived.¹ The paramount political issue in Pennsylvania for two years before the removal of Daniel Olmsted and his family to Ulysses had been the free school system. The inhabitants of a border county of New York could hardly have been ignorant of the heroic legislative battles in its behalf led by Governor Wolf and Governor Ritner, and of the controlling speech of Thaddeus Stevens at the crisis of the debate. The successful enactment of the measure may have been a deciding circumstance, and one which served to hasten the removal to Ulysses. In any event, within the year following the first school under this system was opened in Ulysses. It was con-

¹ The free school system of New York was established in 1867.

ducted in the new building known as "Daniel's schoolhouse."¹

Arthur's boyhood can easily be imagined, its Christmas eves, its spelling bees, the games of winter evenings, the summer tramps. It would not be difficult to locate the swimming hole and the stretch of still water which became ice in the skating season. He was never fond of hunting, but he loved to troll the brooks for trout. Here and there in the neighborhood was a young bear, a tethered wolf, a pretty deer, getting their education at the hands of the boys. And then there were the athletic games, but none of the "national" brand, and no moving pictures, excepting such as were occasionally afforded by a runaway colt, or the crashing to the earth of some forest monarch. As he grew older, he was called to assist in the varied work of the farm, or at the mills. It is not to be doubted that he made the most of the opportunity which the district school afforded, and that in the course of ten years he had exhausted its resources of learning, and was supplementing it as best he could by wide reading. His taste of knowl-

¹ "It is to be noted that when, in 1835, a state-wide vote was taken, every represented district in Potter County voted in favor of accepting the system."—Wickersham, *History of Education in Pennsylvania*, 322.

edge had made him hunger constantly for more, and he had the intellectual capacity to assimilate it. About this time the Coudersport Academy opened for the reception of pupils. It was founded by John Keating in 1807, as an aid for the building of the town, and to promote sales of land in the vicinity. He donated a square in Coudersport as a site, and five hundred dollars towards the cost of building, also one hundred acres adjoining the town as a source of revenue for maintenance. But it was not until 1838 that it was incorporated and receiving aid from the state. When the state appropriations were discontinued, the county by special act was authorized to pay at first two hundred dollars, and afterwards three hundred dollars, towards running expenses. These payments by the county were discontinued in 1866. Three years later the whole property was conveyed to the school district for a graded school, with a high school department. Like academies or secondary schools, as at Warren and Smethport, were established at the most populous centers in the new counties of the Northern Tier. In fact fourteen other academies were incorporated at the same session, and in 1840

twenty-five. The multiplication of these institutions resulted in the substitution of the high school as an adjunct of the common school system. As late as 1859 an academy building was erected at Lewisville, and J. A. Cooper, afterwards for many years at the head of the State Normal School at Edinboro, was the first principal. He conducted it successfully until 1873, when it also was converted into a graded public school.

In 1847 the Coudersport Academy was regarded as an excellent institution. It was then conducted by Mr. A. W. Smith, as superintendent, "late of Union College." The *Potter Pioneer*, in its issue of the 30th of October of that year, announces that the institution has received the following new apparatus: a celestial and terrestrial globe, an air pump, an electrical machine and galvanic battery, a microscope and lenses, together with chemical apparatus. "With these advantages, which are superior to any in Northern Pennsylvania, the trustees confidently hope that the 'Halls of the Institution' will be filled with youth who may seek and

acquire the lasting benefits of education and knowledge."¹

Arthur was ambitious to be enrolled as a pupil at the academy. But were not the obstacles insurmountable? It was sixteen miles through the forest from Ulysses to Coudersport, and the road was little more than a trail. A daily trip was clearly impracticable. But a plan was finally arranged to which his father consented. He was to make the journey weekly, walking in on Monday, and home again on Saturday, and earn his board during the week by doing chores in town. His parents knew the warp and woof of the boy's character. They had no fear of temptations in the town, only of the wild beasts on the way. But he was fearless and strong, and eager to begin. So this new door of learning was unlocked to him, and he made the weekly jaunt without untoward incident.

¹ Included in the notice were the Terms of Tuition:

Reading, Writing, Orthography and Arithmetic.....	\$1.50
English Grammar, Bookkeeping, Rhetoric and Philosophy.....	2.00
Chemistry, Botany, Astronomy, Geometry, Algebra and Surveying	3.00
Greek, Latin, French and Drawing.....	4.00
L. F. Maynard, Secretary. L. D. Spafford, President.	

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William T. Jones	Lemuel F. Maynard
Wm. Crosby	Timothy Ives
Wm. W. McDougall	Lorenzo D. Spafford.

In the standing advertisement the following year the pupil's expenses are stated as follows:

Tuition per term, from.....	\$1.50 to \$4.00
Incidental expenses.....	0.25
Rate for board per week in private families.....	1.00 to \$1.50

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His advancement was rapid.¹ Principal Smith was succeeded by F. W. Knox, of Wellsboro, who afterwards became a prominent member of the Potter County bar.

¹ "Even as a young man," says the *Potter Journal* (Sept. 23, 1914), "he was conceded to be one of the best informed men in the county."

CHAPTER VI

LYCEUM, LIBRARY, LAW-OFFICE

STUDENT OLMSTED had early chosen his profession. Perhaps his teacher had guided him to a choice. Influential friends of his father were already at the bar in Coudersport. Hon. John S. Mann was its most distinguished member. Moreover, he was a champion of the prohibition of the sale of intoxicating liquor, and an advocate of the abolition of chattel slavery. It was arranged that Arthur should be admitted as a student in Mr. Mann's office. So, at the conclusion of his academic course, in 1848, he began the study of law, and necessarily became a resident of Coudersport. In the same year his elder brother, Henry, removed to the county seat, and three years later was elected prothonotary, register and recorder. Thus to Arthur, more than ever, Coudersport became his home town. He availed himself of the advantages of the public library, which came into existence

about that time, and, although then far from adequate, became the nucleus for the substantial public library for which, in later years, he made liberal provision. In these earlier days the library sought to make itself felt, not only through the circulation of books, but also by occasional literary entertainments. Mr. Mann's law student, during his academic course, gained a circle of friends in Coudersport, and soon became more generally known for the breadth of his knowledge and for his intellectual acumen. He was not reluctant to take part in the Library Course, and chose for the subject of his lecture "Science, its Origin and Progress," a subject which betokened his interest in the academy's advertised equipment of globes, batteries and microscopes. It was in the winter of 1849. Coudersport then contained less than one hundred taxpayers. But there was a goodly attendance at the meeting. It was held in the old courthouse, built in 1834, and replaced in 1853. The personality of the young lecturer drew the audience more certainly than the charm of the subject. He was twenty-two years of age, and of exemplary habits. He had inherited the superior stature of his lineage.

His features were of classic mold, his dark eyes flashed, his voice rang out clear, his enunciation was distinct. Doubtless his brother Henry was in the audience, and perchance his father had been invited to town for the night. The lecture was carefully prepared. Extracts from it are here quoted, not because of its immediate interest, nor of its treatment of the subject, but rather as a measure of the young orator's intellectual quality, his power of expression, and the gravity of his thought:

“Created by a Being whose very essence is knowledge itself, and whose works are order, perfection and science combined, man, the most wonderful and noble of them all, with mental and moral endowments only second to the great author of them—what more ennobling to his character and more in accordance with the manifest original design of his Creator than a thorough knowledge of those great and fundamental principles which by ordination of the Supreme Ruler govern and control all the great moral, social and philosophical movements that are constantly taking place in that part of the universe with which he is or may be familiar . . . I have no doubt the Almighty, in his wisdom, confers the privileges of liberty upon any people,

and has from the commencement of earth, in just as liberal a measure as they have been able to receive and enjoy . . . Man walks on the surface of a sphere whose very existence leads him to study and meditation. Plants are springing up under his feet, showers descend to water them, rivers, supplied by springs that never dry, carry their waters along to the ocean which never fills,—day-light and darkness succeed each other in measured portions, and orb after orb in silent grandeur move their ceaseless rounds in the great conclave above. Unnumbered beauties are on either hand, ever varying and ever new, and constantly exciting his innate desire to know, and inviting him to thread the pleasant, though laborious, paths of Science . . . And what is mind even when uncultivated? A blank upon which may be written the wisdom of earth and heaven in fair and legible lines, or upon which may be made a disgraceful blot and stain never to be eradicated,—a soil capable of producing the richest and most abundant fruits or the vilest and rankest weeds. Science is the cultivator which enriches that soil, sows thereon the seeds of virtue and truth, and causes it to bring forth abundantly fruits suitable for the enjoyment of beings destined to a glorious immortality; but without that cultivator the rank weeds of ignorance flourish upon that soil, and the

mind of man, that noble principle, becomes choked with error and crippled with imbecility. . . . It is well established that 1,856 years B. C., or more than 3,700 years ago, a colony of Phœnicians, who were at that time noted navigators, settled on the shores of the Mediterranean Sea, under Grachus, their leader, and built a city which they called Argos. About three hundred years afterwards, Cecrops founded Athens, and gave laws to the then barbarous native Grecians. Soon after Cadmus, another Egyptian, founded the city of Thebes, which, according to Homer, had one hundred gates, and introduced the Phœnician alphabet. From this time learning and literature began to be cultivated, and at length the Grecians became the most learned and enlightened nation the world had ever witnessed."

It may be assumed that an address so scholarly and thoughtful gave to the speaker an immediate and most enviable standing in the community.

Meanwhile great moral issues were pressing for solution, particularly the abolition of slavery and resistance to the liquor evil. The weekly issue of the *New York Tribune* was finding its way among the settlements of the Northern Tier, and the great personality of

Horace Greeley was forming on the political horizon as the figure of Liberty. The flaming utterances of William Lloyd Garrison and Gerrit Smith became the topics of the fireside. Now, too, the weekly newspaper brought occasional report of the lyceum lectures of John B. Gough, and, perchance, the text of his famous apostrophe to a glass of water was heard anew in the declamations of the school-room. This very year the temperance movement was inaugurated, culminating in Good Templars organizations, to be succeeded by the Sons of Temperance. Olmsted's opinions on these questions were already formed, and he was outspoken in their expression.

Having studied law assiduously, he was, in 1850, admitted to the bar, Hon. Horace Williston, of Wellsboro, being the presiding judge. The bar of Coudersport then included Hon. John S. Mann, L. F. Maynard, Wales C. Butterworth, Charles B. Cotter, Isaac Benson and Edward O. Austin. The number of non-resident members was larger. In this list were Hon. Orlo J. Hamlin, John E. Niles, Hiram Payne, L. B. Cole, Horace Bliss, James Gamble, F. B. Hamlin, A. V. Parsons, S. P. Johnson, Benjamin Bartholomew and Joseph

Wilson. Indeed, it was not unusual for members of the local bar to establish some professional relation with prominent attorneys in older counties. Thus Mr. Benson's card in the *People's Journal*, dated March 3, 1848, advertises that through him the services of S. P. Johnson, Esq., of Warren, may be engaged. Later F. W. Knox, Esq., advertises that "a lawyer of experience and ability will be associated" with him in prosecuting all cases committed to his care.

During his student days, in the conduct of civil and criminal cases, before a justice of the peace, in the preparation of contracts, deeds and wills, as well as in matters of counsel, Arthur Olmsted had gained a reputation for his legal knowledge and ability, and it rapidly spread among the settlements, for the inhabitants needing legal services all came in to the county seat, there being no lawyer then practicing elsewhere in the county. Besides, his preceptor, Mr. Mann, in addition to his law practice, was, as he then advertised, engaged in the sale of land as the representative of the owners of several large tracts, and this brought to his office many settlers desiring to purchase homesteads. Hitherto,

criminal offenses had been prosecuted by a deputy attorney general who resided at Williamsport and rode a circuit of counties. Now, in 1850, in the fall of the year of Arthur Olmsted's admission to the bar, and when he had but just passed his twenty-third birthday, he was to be elected the first district attorney of Potter County. It was not a lucrative office. In fact, the compensation for the term did not exceed fifty dollars, but it gave the officer not only some professional prestige, but also desirable experience in the trial of cases. At this stage in the development of the county, the homesteads purchased by settlers from the Bingham and Keating agents were generally still held by the purchasers, and consequently few questions of title had arisen. Sources of litigation were not numerous. In after life Arthur Olmsted was heard to say that his professional income for the first three years of his practice amounted to ninety dollars.

But the county was just entering upon an era of material development. A turnpike had been completed between Jersey Shore and Coudersport, and previously a post route from Jersey Shore to Olean. Hon. Orlo J. Hamlin,

then representing Potter and McKean in the House, had secured a large appropriation (\$200,000) for construction work on the East and West Road through McKean County, and at the same session had procured the enactment of a law organizing the eighteenth judicial district, composed of the counties of Potter, McKean, Warren and Jefferson. Within the next decade other events of importance were to occur. A stage route was to be established between Bellefonte and Smethport, and the Philadelphia and Erie, as well as the Sunbury and Erie railroads, were to be surveyed. About this time Ole Bull purchased from John F. Cowan eleven thousand acres near the southern border of the county now included in Abbott and Stewardson townships. His purpose was to establish a colony for his countrymen, a number of whom arrived and organized a settlement, in the midst of which he built a castle. There, as if directed by some rare instinct to the congenial intonation of the primeval forest, again his far-famed fiddle

“Sang all the songs it knew
And learned long years ago within
The wood in which it grew.”

But it was a pathetic dream, for the title failed, and ultimately the community was deserted. The *People's Journal*, published at Coudersport, September 24, 1852, has this paragraph:

"Ole Bull¹ passed through our village on Saturday, on his way to Oleona, the new town just commenced through the energy and public spirit of this child of genius."

Coudersport was truly a village then. Although its location was doubtless fixed on a map in Philadelphia so as to be as near the center of the county as topographical conditions would permit, a more picturesque site could hardly have been chosen. Ten miles from its source, and 1,664 feet above tide, the Allegheny rapidly crosses its streets and winds through its borders, rippling and flashing in the sunlight, on its way. The village was as a jewel set in the comely crown of the surrounding hills. Among its inhabitants the varied walks were represented. The cards in the weekly newspaper, the *People's Journal*, included that of H. S. Heath, physician; William McDougall, surveyor; Lucas Cushing,

¹ Pond, the lyceum bureau manager, says: "I paid Ole Bull \$25,000 for fifty concerts, and made a handsome profit." At the Boston concert the poet Longfellow was present, and the sales ran up to \$1,100, in addition to course tickets.

temperance hotel; Joseph Mann, agent of the Oswayo Lumber Association, and Jones and Storrs, general merchandise, "opposite northeast corner of Public Square," and in the square the new court-house was being erected. The names of the editors, William W. McDougall and John S. Mann, are set above the motto: "Fidelity to the People," and among the editorials was a stirring exhortation for subscriptions to the stock of the Coudersport and Wellsville Plank Road Company:

"Shall the road be built? Or shall we permit the great advantages which the New York and Erie Railroad offer to us to escape us for want of energy enough to build a plank road from this village to the state line, a distance of nineteen miles?"

The same paper contained an appeal that the county should be represented at the National Anti-Slavery Convention to meet at Cleveland in September: "In 1848 there were twelve thousand men in Pennsylvania who refused to wear the collar and who cast their votes for Liberty. Organization is the only thing that will cure our leading politicians of their contemptible and cringing subserviency to the Slave Power."

Into the various movements of the people looking to the development of the material resources of the county, and to the growth and prosperity of Coudersport, it is safe to say that Arthur Olmsted entered with efficient helpfulness. It is gratifying to note that however ardently he may have mingled in the social life of the community, he soon became a guiding star in the turbulent storms of reform which were beginning to sweep across the country. In respect to measures designed to curb intemperance and to restrict slavery, his attitude seemed to be instinctively right. It could have been guessed before it was declared. It seemed to proceed from a strong, native religious sense, which might have been traced through his parentage backward through a long, progressive, freedom-loving ancestral line; back to Hartford, the "Birth-place of Democracy," in the days of Roger Williams; back to the landing of Hooker and Stone, and their declaration of independence; back to the secret conventicles of Old Essex and the mental enslavement from which the forefathers fled.

During the September term of court in 1853, the district Baptist Conference was held

in Coudersport, and Arthur Olmsted, then twenty-six years of age, was invited to deliver the principal address. He chose for his subject: "The Christianity Demanded by the Times," and discussed it under three heads: 1st, an intelligent Christianity; 2d, a practical Christianity; 3d, an earnest, energetic Christianity. Fortunately the text of this remarkable address has been well preserved. Speaking under the second head he said:

"There was a time in the history of the Church when piety sought retirement, when the Christian thought it his duty to retreat from the busy scenes of active life and seek in solitary vigils and fastings and prayer that preparation of heart which would especially recommend him to the favor of God. Religion in those days assumed the meditative, the contemplative form, and it was thought that the quietness and seclusion of the cloister and the cell are especially favorable to the growth and development of the Christian graces. Nor would I take it upon myself to pass censure upon the peculiar belief of the religion of those times. It was allowed, and we may suppose it was brought about by the Providence of Heaven, and can be both explained and justified by considering the spiritual necessities of that age.

“But the demand now is for a Christianity of a different mold. Quietism will not meet the requirements of present exigencies. Religion is called on to lay aside the loose gown and slippers of contemplative retirement and put on the working-day dress. She must go out into the crowded streets and thronging thoroughfares, enter the workshop and the counting house, walk forth ‘on change,’ and visit those places of resort ‘where people most do congregate.’ She must mingle in the scenes of the outward world, and condescend to converse familiarly with the living men of the present, as they pursue the business and occupations of everyday life. We have a deal of that religion that goes to meeting on Sundays, but not enough of that which lives and acts during the week, and be assured the men of this day will estimate the value of our religion by its practical results. . . . They would acknowledge that the Gospel system was a most sublime and beautiful body of divine truth, perhaps, if you could persuade them to study and examine it; but a beautiful action, a noble deed of charity, an instance of generous forgiveness, at once challenges their attention and commands their respect. This is something they can appreciate, and when the Christianity of today shall put on more decisively this aspect, it will more nearly meet the demands of the

times, as well as more signally indicate its vital reality.

"It must be confessed, I think, by those who contemplate the present condition of the Church, that there is in it a disposition to lay too much stress upon the belief of abstract dogmas and the observance of heartless and hollow forms. These have in them no saving efficiency or living power. Nor is anything to be gained to the cause of true religion in this day by setting them up as the test and standard of orthodox piety. Doctrinal tests and theological disputes have had their time, and have accomplished what good they may. It is time now for the Christian churches to cease their intestinal strife and war of words, and that she turn her undivided energies to the accomplishment of practical good. Let there be a cessation of hostilities upon the Five Points of Calvinism and a hastening from all sides to cleanse the world from the Five Points of Iniquity in which the world abounds. When the Church can point more confidently to instances of public vices cured and social evils removed, and to benevolent and meliorating reforms carried directly by its agency,—then will Religion, of which it is the representative, be more powerfully recommended to the practical mind of this practical life."¹

¹ It is not recorded that these frank utterances produced commotion in the conference, and yet they abound with the same views which expressed today (sixty-

That was the clear, commanding voice of a leader of men, one who had a vision of contests to come, and who foresaw the opportunity and mission of the Church; one who had spoken of the Bible as "The Heaven-descended charter of Human Rights." He was thinking not alone of the impending struggle against slavery in the South, but also of that slavery in the North which the rum power was fastening upon the body politic, as well as upon its individual victims. It was a day when rum ruled along the frontiers, in forest and in camp.¹ Where did Arthur Olmsted stand, with his future before him, his talents and his popularity in the scales? He was asked to speak under the auspices of the Sons of Temperance, and this is what he said:

"If the day ever comes when men are brought to judgment for their action here, and it surely will come if God is true to

five years later) by another noted layman of the Baptist faith, John D. Rockefeller, Jr., have startled the church and aroused much controversy. Mr. Rockefeller, portraying the "reborn church," said: "Its test would be a life, not a creed—what a man does, not what he professes,—what he is, not what he has; its object to promote applied religion, not theoretical religion. Thus would develop its interest in all the great problems of human life—industrial, social and moral problems. . . . If the Baptists of today have the breadth, the tolerance, and the courage to lay aside all non-essentials and will stand upon the platform of the founders of the church, the Baptist church can be the foundation upon which the Church of the Living God should be built." (*New York Herald.*)

¹ About that time there were in Coudersport three licensed hotels, also a rectifying establishment, and all the stores but one sold intoxicating liquor.

Justice, let me stand in the place of him who has defamed his neighbor without a cause,—yes, in the place of him who in the dead midnight hour has made the heavens lurid with the flame of burning mansions of men, but deliver me from the doom of him whose business it was to put that to his neighbor's lips that stole away his brain. . . . I have often thought that it needed no argument whatever to make the law's inconsistencies more glaring. It simply amounts to this: that the State of Pennsylvania, in consideration of a certain amount in dollars and cents paid into its treasury, grants to certain individuals, under the seal of its respective courts, the right to follow an occupation which increases its taxes, beggars its citizens, fills its jails, and operates as a wasting pestilence throughout all its boundaries; twelve good citizens of the town or borough being required to certify that the individual applicant is a fit person to exercise this distinguished privilege. It would seem that any respectable man could ask for no greater libel upon his character than the certificate of twelve men, lawful and true, of his own vicinage, that he is the proper character to do such deeds of infamy."¹

¹ It was in the course of this address that Mr. Olmsted, in terms of the keenest sarcasm, advised a revision of the current form of petition for license so that it should read as follows:

"To the Honorable the Judges of the Court of Quarter Sessions of Potter County:

"The petition of A.B., of ——— Township, county aforesaid, respectfully sheweth, that he occupies a commodious house in the county and township above mentioned, and is desirous of keeping a public house of entertainment therein. He

While an address of such powerful eloquence would have been a potent factor for the cause of temperance if it had been delivered at some populous center of the commonwealth, it was not wholly lost among the pines. It was well calculated to stir the community, and when passed by word of mouth from settlement to settlement, to stir that uprising against the license law which, under the championship of Hon. John S. Mann, culminated,

therefore prays your honors to grant him a license to kill. Your petitioner considers the sword as an antiquated way of extinguishing life. There is a savageness about it and a useless effusion of blood. Wounds are inconvenient and not always attended with death. I wish to do my work with less trouble and more effectually.

"Death by the sword is an unjust and partial system; it affects only those who are drawn up in battle array. It falls entirely upon one sex. According to the theory of Malthus, there are more human beings created than the world is able to maintain. Therefore it is necessary that a part be cut off for the safety and subsistence of the whole. Now as there are full as many women in the world as men, some process of diminution ought to be devised, in which they shall bear due proportion. I petition, therefore, for leave to kill women and children as well as men. I pray, also, that power may be given me to enter the domestic sanctuary, and to slay by the fireside as well as on the battlefield.

"And may it please your honors, none reverence more than ourselves the invention of gunpowder as an expeditious and commodious way of freeing earth of her supernumeraries. It is truly admirable. Nevertheless, I am not quite satisfied to adopt it. When the field is once covered with the dead, the thunder of the cannon ceases. Battles are not of frequent occurrence. I prefer to use an agent that needs no test, and that night and day may follow the work of destruction. Do your honors suggest, then, that pestilence and famine must be summoned as executors to my commission?

"I suppose that the plague may be imported, and we know that it has produced great effects. The cities of the East have been humbled in sackcloth before it, and desolated London anciently inscribed with the red cross and 'Lord, have mercy upon us' the doors of her smitten and almost tenantless dwellings. The past year, too, the opening graves of our own land told how fearful was even the lightest footstep of the destroyer 'walking in darkness.' Famine also has withered whole nations. They have blighted and faded away, stricken through for want of the fruits of the field, but earth soon renovated herself and was again clothed with plenty. The harvest whitened and the grape filled its clusters. The flocks that had vanished from the fold returned, and the herds lowed in their stalls. Health and fulness of bread banished away every trace of weeping and of woe. Not only is the dominion of pestilence and famine transient, but their sway is also restricted. In the height of their power they kill only the body. They have no authority over the soul. I desire a broader commission. I request liberty to kill the soul as well as the body. What tremendous agent do you then seek, before which the ravages of war and pestilence and famine are forgotten? May it please your honor, I wish for a license to sell intoxicating drinks."

eight years later, in the passage of the special prohibition law of 1860 for the county of Potter.

A community so alert as Coudersport was in matters of moral consequence was equally alive to intellectual cultivation. This was betokened by the existence of the public library, the academy, a superior weekly newspaper, and a county bar, small in numbers, but of more than ordinary rank. The enthusiasm of professional spirit and fellowship which it manifested is hardly equaled at the present day, even in larger places. The court-house was the forum, not only for the vindication of the law, but it served also as the town hall, the center of community activities. Here lectures were not infrequently delivered. It was the era of the lyceum. In the first half dozen years of the latter half of the nineteenth century, Arthur Olmsted developed apace. In the careful preparation of numerous addresses, his views on matters of public interest became fixed and definite. At the instance of the bar association he was invited to speak on "Law Reform." Extracts from his address are here reproduced, not merely because of the intellectual enter-

tainment which they afford, but also for the reason that they disclose better than any words of description his mental traits and quality, that degree of scholarship, acquired chiefly by private study, which enabled him to command historic incident in appropriate setting, and because it shows again how he made every subject that he touched alive and burning with the great oncoming struggle between freedom and slavery:

“We propose this evening to take a summary view of the most important general reforms which have been effected or attempted in England from the period of the French Revolution down to the present time. If any ask why cross the Atlantic for a theme, we can only answer that the people of the United States must ever be interested in the political history of Great Britain. We have a common origin and an identity of language. We hold similar religious opinions, and draw the leading principles of our civil institutions from the same sources: reading the same historic pages; and while recounting the words and deeds of orators and statesmen, who have dignified human nature, or the achievements of warriors who have filled the world with their fame we say: ‘These were our forefathers.’ The sages and scholars of

both nations teach the youth to cherish the wisdom of Alfred, the deductions of Bacon, the discoveries of Newton, the philosophy of Locke, the drama of Shakespeare, and the song of Milton and Byron and Wordsworth, as the heirlooms of the whole Anglo-Saxon family. The ties of blood and lineage are strengthened by those of monetary interest and reciprocal trade, and such are the resources of each in arts, in arms, in literature, in commerce, in manufactures, and such the ability and genius of their great men, that they must, for an indefinite period of time, exert a controlling influence on the destinies of the world. Now, when viewed in a less attractive aspect, can America be indifferent to the condition and policy of her transatlantic rival? Enterprising, ambitious and intriguing, she whitens the ocean with the sails of her commerce; she sends her tradesmen wherever the marts of men teem with traffic; belting the earth with her colonies, clothing its surface with her forts, and anchoring her navies in all its harbors, she rules 160,000,000 of men; giving law not only to cultivated and refined states, but to dwarfed and hardy clans that shrivel and freeze among the ices of the polar regions, and to swarthy and languid fighters that repose in the orange groves, or pant on the shrubless sands of the desert tropics. With retained spies in half

the courts and cabinets in Christendom, she has, for a century and a half, caused or participated in all the wars of Europe, Asia and Africa, while by her arrogance, diplomacy or gold, she has shaped the policies of the combatants to the promotion of her own ends. Ancient Rome, whose name was the synonym of remorseless power and boundless conquest, could not, in the palmy days of her Cæsars, vie with Great Britain in the extent of her possessions and the strength of her resources. An American orator once spoke of her as 'That power whose morning drumbeat following the sun and keeping company with the hours, daily encircles the earth with one continuous and unbroken strain of the martial airs of England.' . . .

"But when the earthquake shock of the French Revolution overthrew a throne rooted to the soil by the growth of a thousand years, all Britain felt the shock, scales fell from all eyes, and the people of the realm discovered that subjects were clothed with divine rights as well as kings, and that the divine rights of kings and the divine rights of hod-carriers were not essentially dissimilar, and that old adage of Lord Castlerough, which had been stereotyped for one hundred years: 'That the people had nothing to do with the laws except to obey them' began to be doubted."

Coming finally to the circumstances of the abolition of slavery by act of Parliament, allusion was made to Thomas Clarkson as the father of the movement for the abolition of the slave trade, and to the supporters of the movement in Parliament, including Wilberforce, Pitt, Fox, Burke, O'Connell and Brown; but upon broaching the topic, Mr. Olmsted said:

"Perhaps some may consider an apology due this audience for the introduction of a subject here which may be considered as having a bearing upon American politics; but to me it appears a reform of too much magnitude to be passed over in a sketch of this kind without at least a passing notice."

He quoted the following passage from O'Connell's eloquent advocacy of the act of abolition:

"I am for speedy and immediate abolition. I care not what caste, creed or color slavery may assume. I am for its total, its instant abolition, whether it be personal or political, mental or corporeal, intellectual or spiritual. I am its earnest enemy. I enter into no compromise with slavery. I am for justice in the name of humanity and according to the law of the living God."

Referring to the statutory abolition of the slave trade in this country, Mr. Olmsted said it was true that it had been abolished, so far as the forms of law are concerned, "although," he added, "there is much reason to suppose that it is yet carried on to some extent, and undoubtedly will be, for so long as the existence of slavery makes a demand for fresh cargos of human agony, so long will incarnate fiends be found who will brave heaven, earth and hell to furnish the supply."

CHAPTER VII

FOR ABOLITION AND THE UNION

MR. OLMSTED had already actively engaged in the anti-slavery cause. Pursuant to the *Journal* editorial hereinbefore quoted, a Free Soil Convention met at the court-house on the 17th of September, 1851. On motion of O. A. Lewis, Dr. H. S. Heath was elected president and Burrell Lyman and Nelson Clark, vice-presidents, and Arthur G. Olmsted and Nelson Jinks, secretaries. The object of the convention was stated by John S. Mann to be the election of delegates to the National Free Soil convention to be held at Cleveland on the 24th day of the coming September. The following persons were thereupon elected: Joseph C. Allen, Joseph W. Stevens, S. A. Slade, Arthur G. Olmsted, N. B. Beebe, D. N. Jinks, W. B. Graves, W. C. Butterworth, W. M. McDougal, Thomas Lewis, Oliver C. Warner, T. B. McNamara, A. H. Butterworth, Sala Stevens and D. C. Chase.

On motion of Arthur G. Olmsted, a committee of five on resolutions was appointed by the chair. The committee presently reported the following draft, which was adopted. It is evident that these resolutions were from the hand of Mr. Olmsted:

“Resolved, That our Fathers ordained the Constitution of the United States in order, among other great national objects, to establish justice, promote the general welfare and secure the blessings of liberty, but expressly denied to the Federal Government which they have created all constitutional power to deprive any person of life, liberty or property without due process of law;

“Resolved, That ‘due process of law’ includes the right of being tried in open court by an impartial jury; and that inasmuch as the Act of Congress commonly called the ‘Fugitive Slave Bill’ deprives a large class of American citizens of their liberty without due process of law, therefore, it is unconstitutional;

“Resolved, That it is the duty of the Federal Government to relieve itself from all responsibility for the extension or continuance of slavery, wherever that government possesses constitutional authority to legislate on that subject; and it is thus far responsible for its existence; . . .

"Resolved, That we are in favor of land reform in its broadest sense: that every family may have a home, exempt from levy and sale by execution; . . .

"Resolved, That we are in favor of a thorough and efficient organization of all the friends of freedom in Pennsylvania, and we suggest to the delegates from this state to the Cleveland convention the propriety of making arrangements for a state convention to meet at such time and place as may be most conducive to our cause; . . .

"Resolved, That we will oppose the propagandism of slavery at all times, in all places, by all honorable means, against all odds, and without compromise."¹

These resolutions are here transcribed because they are both typical and historic. The list of officers and delegates chosen by this convention may well constitute a county roll of honor. The anti-slavery men of Potter were laying as best they knew the foundations of a political organization which should some day abolish slavery. The Cleveland convention, to which they sent delegates, called another national convention, to be held some months later, and the latter convention demanded the

¹ *People's Journal*, September 19, 1851.

repeal of the Fugitive Slave Law, and free homes for the people. It inscribed on its banner "Free soil, free speech, free labor and free men." This was the last national convention of the Free Soil party. As it was held in Pennsylvania, so also was the first convention of the Republican party into which, in 1856, the Free Soil movement was absorbed.

In Seilhamer's *History of the Republican party* it is said:

"The first foundation stone of the Republican party was a hurried amendment offered in the 29th Congress, that became famous as the Wilmot proviso."¹

The bill then pending was to appropriate two million dollars for the use of the President in an adjustment of the boundary line with Mexico. The amendment overshadowed the bill. It was the outcome of a hurried con-

¹ Stanwood in his *History of Presidential Elections* (p. 163) says the Wilmot proviso so divided the Democratic party that it lost the election of 1848.

"Wilmot was in his first session of his term in Congress, and as yet entirely unknown outside of the district that had chosen him as its representative. He was a young man of powerful frame, with a mind that partook of the rugged strength of his body. His most noteworthy qualities were his strong common sense and his tenacious courage. He was able, without any claims to brilliancy, either as an orator or statesman. As a speaker he was clear, incisive and sensible, and convinced rather by his sincerity than his eloquence."—Seilhamer's *History Republican Party*, Vol. 1, p. 2.

"In the beautiful suburbs of the town may be seen the little City of the Silent, and near the public road stands the simple marble headstone of the grave of David Wilmot, with his name and date of birth and death on the inner surface and on the outer surface, where it can be seen by every passerby is inscribed the text of the Wilmot proviso."—McClure's *Recollections of Half a Century*, p. 240.

ference between Hannibal Hamlin, of Maine; George Rathbun, Martin Grover and Preston King, of New York; David Wilmot, of Pennsylvania; Jacob Brinckerhoff and James J. Faran, of Ohio, and Robert McClelland, of Michigan. Of these men, Hamlin became Vice-President; Grover, representing a Southern Tier district, including the counties of Allegany and Steuben, was elevated to the bench, and Wilmot, representing the Northern Tier district, adjoining that of Grover, and including Potter, Tioga, Bradford and Susquehanna, then but thirty-three years of age, was, along with Lincoln, Sumner, Banks, Wilson, Clay and Giddings, in the list of unsuccessful candidates for the Vice-Presidential nomination. He was temporary chairman of the Republican convention which nominated Abraham Lincoln for President. He was subsequently elected president judge of the thirteenth judicial district of Pennsylvania, and later a Senator of the United States from the same state. The Northern Tier was for freedom and Wilmot was its chosen leader. As the proviso, though destined to defeat, was the anti-slavery slogan which ultimately divided the Whig and Demo-

cratic parties, so Wilmot was himself its personification. When he came to Coudersport, he was the lion of the day. His name was given to one of its municipal allotments. Arthur Olmsted had then become a titled citizen of the borough. Indeed, sooner or later, he was chosen to all the offices of honor in the gift of the people: school director in 1854, councilman in 1855, burgess in 1860. On the 10th day of July, 1854, Judge Wilmot spoke at the court-house in Coudersport. It was about the middle of that decade, which was to become in American history its great period of debate and legislation. Clay's Compromise had been enacted, California admitted, and the territories of Utah and New Mexico organized. Webster's contention that nature unfitted the territories for slavery, and that it was useless to "re-enact the will of God" had triumphed. Now the Kansas-Nebraska bill was pending. In Pennsylvania the issue was complicated by the rapid growth of the American or Know-Nothing party. James Pollock was its standard-bearer for Governor. The anti-slavery sentiment inclined toward him. Arthur Olmsted was not deterred from his support by

the adherence of the Know-Nothing party. He was not a member of its order. He, however, expressed sympathy with its essential purpose, so far as it aimed to avoid the danger arising from the influx of an element incapable of perfect assimilation with native citizenship. He reviewed the development of the naturalization laws, discussed the several stages of their enactment, and advocated further restriction upon immigration.

"This order," said he, "although it may be injurious and pestilential in its effect, yet it differs from the pestilence in this, that although it wasteth at midnight, it walketh not at noon-day."¹

Whatever Judge Wilmot may have said to the eager listeners in the crowded court-room on that July day, it could not have found

¹ Regarded as a political organization, Mr. Olmsted was evidently in agreement with Horace Greeley, who said of it: "It *may* last through the next presidential canvass, but hardly longer than that. It would seem as devoid of the elements of persistence as an anti-cholera or an antiseptic potato rot party would be."—Stanwood's *History Presidential Elections*, p. 198. And in fact before the next presidential election it did lose its momentum. The Republican platform of 1860 upon which Lincoln was elected, supported by Olmsted and Greeley alike, contained this plank: "That the Republican party is opposed to any change in our naturalization laws, or any state legislation by which the rights of citizenship hitherto accorded to immigrants from foreign lands shall be abridged or impaired; and in favor of giving a full and efficient protection to the rights of all classes of citizens, whether native or naturalized, both at home and abroad."

Nevertheless, Curtin, who was then a candidate for Governor, so recognized the strength of the movement in Pennsylvania that he feared the nomination of Seward (who had advocated a division of school revenue), and with Lane of Indiana turned the nomination to Lincoln.—McClure's *Recollections*, p. 218.

In later years Mr. Olmsted expressed satisfaction with the act of 1906, excluding anarchists and polygamists.

quicker response than these thrilling sentences of the favorite son of Potter, the boy orator of Coudersport:

“We had a mission to accomplish once, and every American was inspired by its grandeur, and every free heart throbbed quick and strong with emotion at the name of the young nation in the west, upon whose broad banner was inscribed in letters of living light, ‘The rights of the people,’ and eternal opposition to the blood-red wrongs of aristocrats and kings. But the virtue of the maiden nation has become debauched, her morals corrupted, her sensibilities deadened, and freedom is no longer her watchword; upon her soil today are the two antagonistic ideas of freedom and oppression, contending with each other and the whole power of the administration aiding the latter. . . . It seems to me, sir, that the present is a dangerous crisis in our national affairs. That power which has been constantly encroaching and increasing in strength since 1820 must now be checked, or the consequences may be fearful. If Kansas is admitted into the Union as a free state, it will be the death blow of chattel slavery; if the reverse should be the result, no human foresight can discern what the effect may be. We are just entering on a campaign in which there is to be but one issue. Pennsylvania

will be the battle-ground of 1856.¹ . . . Let every man swear that the mountain gorges and vast plains of Kansas shall be free—free not by the force of compact broken and trampled in the dust, but free by the force of strong arms and brave hearts. . . . While I speak, telegraphic dispatches are flying to the people of the civilized world heralding new tidings of still greater outrages.² Each dispatch adds some new feature to this tale of awful horrors. The city of Lawrence has been burned to the ground. Her inhabitants have been driven to the open fields, to the forests, to the mountains like the martyrs of the fifteenth century, or have fallen by the hands of the mob, headed by United States officers, the craven emissaries of the administration,³ and the faithful instruments of the party it represents and leads. . . . Now let the dumb speak, let the indignant North proclaim that slavery propagandism is forever at an end. Aye, let slavery herself be dethroned. I speak *ex cathedra* for no man. I speak but for myself. If slavery has any rights under the constitution, let them from from this day be ignored.”

¹ The contest did center in Pennsylvania. Republicans asserted that upward of \$150,000.00 were collected in the slave states and sent into Pennsylvania.—*McMaster*, VIII, p. 274.

² This was the struggle between the “Free Soil Men” who had emigrated to Kansas from New England, aided by Abolition Societies, and the “Border Ruffians,” who moved in from the South to make Kansas a slave state.

³ Administration of President Franklin Pierce.

Pollock was elected, and Arthur Olmsted, on the 11th of March, 1857, received courteous parchment recognition of his services by appointment as one of the Governor's military aids-de-camp, with the rank of lieutenant-colonel.

More than a million and a quarter votes were cast for Fremont in 1856, and the South began to take alarm. The conviction gained ground that slavery could only be saved in one way, and that was by secession. The South began to dream of a great empire around that American Mediterranean, the Gulf of Mexico, holding possession of the mouth of the Mississippi.¹ She counted upon the friendliness of Europe. England, France and Spain were not averse to a diminution of the commercial power of the republic, and looked with favor on the prospect of a division. Their alliance to seat Maximilian on the Mexican throne was, however, to be thwarted by the diplomacy of Seward, the successive steps of which, advancing to its inevitable conclusion, furnished to the century its most distinguished example of a bloodless national triumph.

This decade stands out in American history.

¹ Draper's *History of the Civil War in America*, Vol. 1, p. 421.

distinct from all others for further significant events of national consequence. It witnessed the construction of the transcontinental railroad binding the Union from shore to shore—the construction of railroad lines, east of the Rocky Mountains, at the annual average rate of two thousand miles—Perry's visit to Japan, and the resulting treaty; the rise of the French republic; the tide of emigration to the California gold fields; the Homestead legislation; the Dred Scott decision, and the publication of *Uncle Tom's Cabin*. It was the great constructive era, exciting the imagination and stimulating the patriotism of young America, who in its marvelous enterprises saw the unfolding of a mighty republic.

In 1852 the first train ran through from Philadelphia to Pittsburgh, and thereafter little was heard of the scheme to add to the Union a new state—the State of Allegheny. Plans were on foot for a road from Sunbury to Erie, and public meetings were held to arouse the interest of the people in the region affected, and to obtain subscriptions to the stock. Some years earlier, a railroad up the Allegheny across the Divide, otherwise known as the Allegheny Plateau, and on the earliest

maps called the Endless Mountains, down Pine Creek, was projected, but, owing to the wild character of the region and scarcity of men, was abandoned. The enterprise was, however, revived in 1856, and a company was chartered under the name, Jersey Shore, Pine Creek and State Line Railroad Company. The route ran diagonally across the county of Potter. But construction was delayed. How could the representative citizens of that county, whose support was indispensable, Mann, Olmsted, Ross and Knox, give to the enterprise requisite attention when the nation was distracted with the danger of disunion?

The serious depression in the Republican ranks which attended the defeat of Fremont in the Presidential election of 1856, and the state of the Union, as it then appeared to Mr. Olmsted, are best described in his own words. The following passages are extracts from a letter written by him to his brother Henry, then at Harrisburg, under date of the 24th of October, 1856:

“The result in the state was most astonishing and disheartening. It seemed to cast a general gloom over the Fremont men of this vicinity. . . . I have no doubt but the

Northern Tier of counties will raise Fremont above the state ticket three thousand, but, considering the despondency in other sections of the state and the Fillmore disaffection, it can have but little avail towards altering the result. . . . I had hoped from what I had gathered from the newspapers that we had a majority in the legislature on joint ballot, but even that poor consolation was swept away last evening. The next Congress is to be pro-slavery, and, with a pro-slavery President, the good Lord only knows what grave fillibustering schemes may be accomplished during the next four years. . . . Wise issues a proclamation calling on the militia of Virginia to be in readiness to march down to Old Point Comfort and take possession of the United States in case Fremont is elected. The Southern governors meet in convention and discuss dissolution. Almost every Southern newspaper avows treason. Brooks, Keith and (illegible) threaten to seize the treasury and the archives. . . . The most humiliating part of the whole thing is that it is to be successful."

The raid of John Brown at Harper's Ferry, his capture, trial and execution, deepened public excitement, and sectional feeling approached the sundering point.

Hoping against the inevitable, the loyal

sons of Potter County went about their accustomed tasks. The great forests had already begun to move seaward,—more truly than “Birnam wood to Dunsinane”—from many a pine-clad slope of the Northern Tier, and for years to come, the branches and tributaries of the Susquehanna were to be clogged by logs running wild and by rafts and booms.¹ But the day was at hand when the raft was to become historic for the human

¹The following is from a contemporary description of a “log jam” in the flood season: “A log catches upon a rock or bar in such a manner as to obstruct the channel, other logs rapidly collecting about it until the entire stream, perhaps, is choked with a seemingly inextricable tangle of logs. They are fixed in this jam in every conceivable position, from horizontal and criss-cross to perpendicular. To the uninitiated it would seem impossible to extricate the logs from their tangle with the fierce current of the raging stream locking them together as in a vise; but now comes as cool a piece of pluck and skill as ever was seen in the life of the soldier upon the battlefield—the professional ‘jam-breaker,’ there always being one or more of these experts accompanying the drive (frequently those who have learned their trade upon the turbulent Aroostook and other logging streams of Maine). One of these men, divested of all unnecessary clothing, but with his feet securely spiked, jumps upon the jam. He carries his pike lever with him, and upon this instrument alone he is to win the victory over the maddened stream. He holds his life in his hand; a single false move often means his death, but he is cool and determined. It is known to veteran jam-breakers that there is usually one log in the mass which, if detached, will loosen the entire jam so that it will break with a rush; this is called the ‘key-log.’ The first duty of the jam-breaker is to find the key-log; this found, he goes straight to work to loosen it. Other men have to be called upon the jam to assist him; but when the last hitch of the cant-hook is to be given which will free the key-log (if the business is not precipitated by some unforeseen event), all of the men, save the jam-breaker, run for the shore. With a final twist of his lever the log springs from the mass of writhing logs and shoots out upon the current, but not so quick but that it bears a living freight. The jam-breaker, with the agility of a cat, strikes the spikes of his boots into its slippery side, and is leading a crashing, tearing mass of logs and water which chase madly in his wake. By long practice he easily balances upon the rolling, pitching log, which he gradually works to the shallow water and springs ashore, after, perhaps, riding a mile or more upon his unstable craft. This is the modus operandi of breaking a jam where everything works to the wish; but often the jam breaks at an inopportune moment, and the men are hurled here and there into the seething flood animate with rushing logs. If all come out of the peril with their lives, they are indeed fortunate, even if they have fractured limbs or contusions. Woe to the man who sinks beneath the logs—they close above him and he is crushed or drowned. There is deadly danger lurking at every step, from the felling of the tree in its native wilds until the logs are secured in the boom, where the Potter county boy leaves them.”—*History of Potter County*, p. 987.

freight that it bore. On the 13th of April, 1861, General Thomas L. Kane, having obtained authority from Governor Curtin, organized a rifle regiment which assembled on the banks of the Sinnemahoning, and took passage for Harrisburg on three rafts, upon one of which, the "flag ship," they set up a green hickory pole, placed above it a bucktail, and from this floated the flag of the Union. It soon became known as the Bucktail Regiment. It included volunteers from Potter County. General Kane was in communication with Olmsted and Mann, pursuant to which he came to Coudersport, accompanied by Dr. S. D. Freeman of Smethport and F. B. Hackett, Esq., of Emporium (who had been a student in Mr. Olmsted's office) and at the close of an enthusiastic meeting held at the court-house, enlistments were received and a captain elected.

This was doubtless the occasion referred to by M. J. Colcord, editor of the *Potter Journal*, writing in 1914:¹

"The writer's first distinct recollection of Arthur G. Olmsted was at a patriotic rally near the beginning of the Civil War, when

¹ *Potter Journal*, September 23, 1914.

Mr. Olmsted made a speech on the courthouse square in support of enlistment to put down the rebellion. His patriotic fervor, flashing forth in the eloquent address, helped to kindle the fires that lighted the hills and valleys of Potter County with a patriotism and devotion to the Union cause unequaled anywhere in the North."

While individual members of this famous regiment were in many instances subsequently assigned to other commands, it made an unsurpassed record for Spartan bravery. It is recorded that at the battle of Harrisonburg, Colonel Kane, with 104 men, came suddenly upon four Confederate regiments and a battery, attacked and broke their line. Upon recovering from their surprise the Confederate regiments prepared to advance under cover of dense woods. It was then that Martin Kelly, of Elk, like Arnold of Winkelried, turning to Kane said: "Colonel I will draw their fire," and stepping forward into view received a shower of bullets from which he was to die next day "in the glory of war." Not until the Confederate General Ashby had been killed, and his forces repulsed, did the Confederates realize that they had been

engaged in battle with no other than the deadly Bucktail Rifles. This celebrated regiment lost but fifty-two men in this action, but the number of Confederates killed or wounded was five hundred fifty-nine. Potter County also contributed volunteers to the 46th, 53d, 58th, 149th and 210th regiments of Pennsylvania Volunteer Infantry, also to the 37th and 85th regiments of New York.

The orator¹ of the day at the County Centennial celebration held at Coudersport in 1904, truly said:

“In no part of the North was more patriotism displayed or greater sacrifice made. According to its strength, no county contributed more in men or in means. One in seven of all her inhabitants went forth to battle in that dread struggle in which, on either side, were deeds of valor to be remembered in song and story to earth’s remotest day.”

It has been elsewhere² recorded that Potter County furnished more soldiers in the Civil War, in proportion to its population, than any other county in the United States. The

¹ Hon. Marlin E. Olmsted, then representing in Congress the 18th Congressional District of Pennsylvania, re-elected for seven successive terms, a leading member on the Republican side, son of Henry J. Olmsted.

² *Potter Journal*.

soldiers' monument, erected on the courthouse square, bears the names of 318 soldiers who died in battle or from wounds received.

Arthur G. Olmsted, although a man of splendid stature, suffered at times throughout his mature years from maladies incident to an intense nervous temperament, which disqualified him from military service. Nevertheless, he had much to give. His rare gifts of oratory, the persuasive power of his eloquence over bodies of men, his knowledge of the great issues at stake, his native zeal in his country's cause, were all put at the service of the Union.

Hon. J. C. Johnson,¹ of Emporium, Pennsylvania, writing of a later stage of the civil conflict, says:

"I distinctly recall that dark period of the Civil War: after McClellan's Army was driven into the defenses of Washington, and Lee was marching his victorious legions towards the borders of our own state, and under such pressure Lincoln had called for 300,000 more volunteers. It was under those

¹ Captain J. C. Johnson, the writer of this letter, enlisted in Company K, 149th regiment, called the "New Bucktails," commanded by Colonel Roy Stone, only one-third of which survived the battle of Gettysburg, two-thirds, dead and wounded, having been left on the field. Walton Dwight, the captain of the company, became lieutenant-colonel August 29, 1862, and Captain Johnson was then promoted from the position of first lieutenant to the captaincy.

circumstances that I first really became acquainted with Judge Olmsted. I was reading law in F. W. Knox's office in the summer, and occasionally Judge Olmsted took me with him to the trout streams, where he loved to while away an idle hour exercising his expert skill in fly fishing. I recall my youthful, enthusiastic admiration of him; his kind, indulgent attention to my callow suggestions about the conduct of the war, and his dark and gloomy suggestions of the conditions in the North at that time. It was then, August, 1862, that he, with Hon. John S. Mann, Hon. Isaac Benson and F. W. Knox, went with Walton Dwight and myself out to the homes of the people in Potter County to raise volunteers. We held meetings in the schoolhouses and churches, and in a short week one hundred twenty-six of the staunch and reliable men of Potter county responded to the call. Judge Olmsted did patriotic service in raising that company of volunteers, and fitting them out, and in securing them a bounty of \$100 each, and he followed them with watchful care and interest after their departure for the field, and ever after until the close of the war. Judge Olmsted was then a prominent figure in the county, and his patriotic appeals moved men, as the quick result of raising so large a company in so short a time under the sad and disheartening conditions of

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that day abundantly testifies. General Kane was then in the field. The old Bucktails were then serving under him. Other companies of men had been raised in Potter County and were in the service. The part Judge Olmsted had in their going out is unknown to me, as I was myself new to Potter County, having been there only since June of 1862. Of course, from the time we went to the service until I was discharged in 1865, my knowledge of Judge Olmsted's career is only such as I have derived from the public prints and records. On my return he was in the legislature. . . . It was certainly very unfortunate that physical disability prevented his going into service in the field. He was the material to make a general of then."

CHAPTER VIII

FROM HOME LIFE TO HARRISBURG

MR. OLMSTED'S own home life began in 1860. On the eighth of May of that year he married Ellen Ross,¹ daughter of David and M. A. Ross, and sister of Hon. Sobieski Ross, subsequently representing the Coudersport district in Congress. Her father was of Scotch and her mother of Puritan ancestry. They removed from Grafton, New Hampshire, to Penn-

¹ The grandfather of Ellen (Ross) Olmsted was Thomas Ross, of Billerica, Mass. (son of Joseph Ross, of Mason, N. H.). He was baptized Aug. 31, 1760, according to the church records of the First Cong. Unitarian Church (Vital Records of Billerica, p. 166; Beer's Hist. Potter Co., p. 1173), and joined the American Army in the War of the Revolution, from Ashburnham, Mass., at the age of fifteen years (Mass. Military Archives, vol. 24, p. 83; vol. 23, p. 200), serving from May 17 to Dec. 1, 1776; and again from May 26, 1777, to May 26, 1780, the latter service being in Col. Rufus Putnam's regt. (Mass. Military Archives, vol. 5, part 1, p. 102; also U. S. Pension Bureau Rev. Record). Three years later he married Deborah Bond, of Ashburnham (Vital Records of Ashburnham) and removed to Hanover, N. H. There he reared three daughters and six sons, one of whom (Isaac) became a member of the Governor's Council, and held many other offices. "David went to Pennsylvania" (Gazetteer of Grafton Co., N. H., p. 320). In 1827 he married Mary Ann Knight (daughter of John and Seclendia (House) Knight), then a teacher at Lymansville, a Potter County settlement. Her mother, Seclendia House, was the daughter of Jonathan House, of Hanover, N. H., a member of the famous independent military organization, recognized by Congress, and known in American history as the "Green Mountain Boys," which invaded Canada to Montreal in 1776 (Vermont Revolutionary Rolls, p. 685), captured Fort Ticonderoga under Ethan Allen, Crown Point under Seth Warner, and fought at Bennington under Stark (Vt. Rev. Rolls, pp. 881, 882; see also New York in the Revolution, pp. 61, 62). Colonel E. M. House, known as the personal representative of President Wilson, although born in Texas, is of the same New England ancestry.

In 1819, four years after the death of John Knight, Seclendia, his widow, married John L. Cartee (Cartier), a pioneer, whose early settlement, known as Cartee Camp, is the only one in Potter County noted on Sheaffer's Historical Map. He became a resident of Coudersport.

sylvania in 1820. He was a surveyor, but for several years was engaged in the lumber business at Ceres, removing to Coudersport in 1827, where he represented the Bingham estate. Mr. Olmsted had purchased the residence of Dr. Heath, which the latter had built and occupied as a homestead, and it became at once the Olmsted mansion. It is situated on the principal residence street near the public square, and through all the vicissitudes of the years is still regarded as the most desirable residence in the community. One child, Nellie, was born July 19, 1861, who grew to womanhood and on the 26th day of December, 1893, became the wife of William F. DuBois, then principal of the Coudersport High School, since a leading lawyer of the Potter bar. They reside at the county seat, and have one child, Arthur William, born January 14, 1897, now a student at the University of Pennsylvania. But two children were born to the Olmsted wedlock. The birthday of the son, Robert Arch Olmsted, was June 21, 1877. He succeeded to his father's business affairs, and since the latter's death has entered into a professional partnership with Mr. DuBois. He married

Kathryn Fizzell, daughter of William and Jane Fizzell, of Bradford, Pennsylvania, January 8, 1907. They reside in the parental homestead at Coudersport, though latterly their winter residence has been at Southern Pines, North Carolina. They have three children: Arthur George, born May 9, 1908; Warren William, born May 19, 1910, and Margaret Ellen McCloud, born August 23, 1912.

During the period of political reconstruction between 1856 and 1861, Arthur G. Olmsted, though yielding often to the demands of public occasions, was yet able to devote himself to his profession. Various matters incidental to the growth of the county, not strictly professional, but requiring legal supervision, engaged his attention. For instance, it was in 1860 that the County Agricultural and Horticultural Society was organized. The dismemberment of the county by cutting off for the formation of Cameron a large portion of Portage Township, was also a matter of grave concern. His law office at this period was over the store of W. T. Jones Bros. on Main Street. His practice increased. He rose rapidly to the front rank in his profession. The election of Lincoln having been followed

by secession, and the three months' anticipated duration of the war having been spent over and over, it was seen that the war was not only to be indefinitely prolonged, but that it had become formidable. Upon the recurring calls for troops it was recognized that the success of the Union cause in the Northern Tier depended in great measure upon the eloquent appeals which Mr. Olmsted was putting forth in the counties of Tioga, Potter and McKean. He had become to the loyal people of these counties the man of the hour. It was presently perceived that he was needed at Harrisburg, not only by the interests of the county, but also by the Washington administration. He was accordingly elected to the General Assembly in the fall of 1862.

Anxiety then prevailed throughout the North. McClellan had been forced to retreat, and was simply encamped, apparently inactive, over-estimating the forces against him, and calling for excessive reinforcements and equipment. Between him and Halleck there was evident estrangement. The garrison at Washington had become an army of 73,000 men under Banks, marking time and doing guard duty. McClellan's prolonged inaction

wrought upon Lincoln's patience until finally, on the 6th of October, he gave McClellan a peremptory order to move. Meantime, the enemy's foraging incursions into Pennsylvania as far as Chambersburg and into Maryland past the Army of the Potomac, had put the Union commander at such disadvantage that he was unable to set his army in motion until the 25th, and by that time he had so lost the confidence of the administration and the country, that before encountering the enemy he was relieved of command and succeeded by Burnside. Mr. Olmsted had other means of information than the public journals. He had occasional letters from the front, from the boys who had gone, as it were, upon his call. The subjoined extracts are from an exceedingly graphic and penetrating letter written to him by Captain J. C. Johnson. It is dated at Camp McNeal, Washington, D. C., Headquarters 149th Regiment P. V., October 13, 1862;

“Undoubtedly you want to know the state of affairs with the ‘Potter Bucktails.’ Well, as was anticipated, Capt. Dwight is captain no more. That extra bar fell upon my shoulder straps as the crumbs fell into the hands

of a certain hungry man of olden time when Walt was elected to Lt. Colonelcy at Harrisburg. The Colonel is popular, and the Potter boys are good soldiers. . . . Regimentally we've been floundering in red tape snarls, and have got so that we can put in all the dots in the right places in muster and pay rolls, and can find all the offices in the city, and wait all day for an audience without swearing. We've done *nothing* at drill for ten days—given up camp guard—and are set at hospital gates or over government board piles, to keep legless soldiers from running away and old women from stealing splinters. I suppose we are to be kept in this way until the mud is so thick we can't move. We may be doing government great service, but I don't see it.

"All the country within this great chain of forts about Washington is literally covered with soldiers, and brigades of officers block up the streets of Washington. Yet they stay here, and nobody seems concerned, while Jeff Davis is having a gay old time sweeping the crops of Pennsylvania, Maryland and the valley down into Richmond, and stealing homespun broadcloth and horses. It may be all right, but I can't see it. Nothing is looked for more anxiously than the order 'Forward,' and we all feel *ashamed* to sit here in inglorious idleness. It may seem bad

management, it does seem so, but there is no use lamenting. No one but old Jeremiah ever made anything out of lamentations, and he wouldn't if the Lord hadn't been on his side. It is no business of Company officers to think,—Generals for strategy."

Arriving at Harrisburg, Mr. Olmsted found a degree of confusion there, a need of concentration for effective support of the administration at Washington. More than once he accompanied members of the House and Senate in visits to the Governor to urge measures of co-operation with the President. In subsequent conversation with Captain E. R. Mayo, of the Smethport bar, himself a veteran Union soldier, Mr. Olmsted is reported to have said that while Governor Curtin has been called "The Great War Governor," his course in these critical days, taken as a whole, was not such as to justify the title.¹ He was, however, sufficiently demon-

¹ In the legislative session of 1863 a resolution was offered in the House approving the course of the Governor in caring for the sick and wounded soldiers, and, after amendment, was indefinitely postponed.

Early in June of that year, when the danger of Lee's incursion into Pennsylvania became apparent, the President sent out to the neighboring states an emergency call for troops. To the Governor's proclamation about 25,000 volunteers responded, but because they did not come prepared for the term enlistment prescribed at army headquarters, he declined to muster them in, and issued a new call. On the contrary, the New York and New Jersey troops were received as they came—for the emergency. Before Pennsylvania volunteers could respond to the second call, the battle of Gettysburg had been fought. Pennsylvania's default is charged by the state historian (Egle—*Commonwealth of Pennsylvania*, 266), "to the action of the state and national authorities." The alternative conclusion involves an

strative and spectacular, as attested by this clause from his first inaugural address: "When the present infamous and God-condemned rebellion broke out." Strong Pennsylvania statesmen then stood around the administration of Lincoln. In its congressional delegation were included Stevens, Grow, Kelley, McPherson, Morrell, Randall, Schofield and Williams. Wilmot was in the Senate, Stanton was Secretary of War, and Meredith was Attorney-General of Pennsylvania. The danger to the Union had brought to the legislature men of unusual ability. Mr. Olmsted's district was composed of Tioga and Potter. His colleague was Hon. C. O. Bowman of Tioga. The adjoining district comprised the counties of Clearfield, Jefferson, McKean and Elk, and was represented by C. R. Earley, of Elk, and T. J. Boyer, of Clearfield. Mr. Olmsted was not unknown at Harrisburg. Upon the organization of the House he was placed on the committees of chief importance: Ways and Means, Corporations and Federal Relations. His ability, his aptitude for legislation, and

unjust reflection upon the patriotism of the people of Pennsylvania; and this alternative appears to be accepted by Greeley and other historians. It has gained credence because it fits into the recognized theory that the Confederate raids into Pennsylvania were merely campaigns of "frightfulness," designed to deaden the spirit of loyalty in the North and create a demand for peace.

his effectiveness in debate were early recognized. The rank attained by him in his first session was such as to render his retention in the legislature a matter of imperative concern at this critical period in the history of the commonwealth, and he was accordingly successively re-elected without opposition till the end of the war, so that his continuous service in the House included the sessions of 1863, 1864 and 1865. It was in the nature of a patriotic service, and so recognized by his constituents, for such a prolonged absence from his home necessarily interrupted the practice of his profession, and resulted in much personal inconvenience and sacrifice.

If more men of marked ability were then sent to the legislature than in recent years, it would not be difficult to account for the fact. First, the number of members was not quite half so large as the present membership (207), and the districts were correspondingly larger in area. The range of legislation was much wider before the adoption of the present constitution. Nearly all of the local, special, municipal and individual business now transacted in the courts was then accomplished by legislative enactment. Thus laws were passed

to annul marriages, creating corporations, such as lumber companies, oil companies, railroad companies and banks, authorizing Philadelphia to construct certain sewers and drains, empowering borough councils and school boards to borrow money, county commissioners to build a bridge, executors and guardians to sell real estate. At Mr. Olmsted's first session, a law was enacted changing the place of holding elections in Stewardson Township, Potter County; another enabling the town council of Coudersport to repair sidewalks; an act authorizing commissioners to open the state road in Potter and McKean; an act to release Potter County from a judgment in favor of the commonwealth; an act confirming loans made by commissioners of Potter to pay bounties; a supplement to an act incorporating the McKean County Railroad Company; a supplement to an act incorporating the Potter County Railroad Company. To ensure such a body of legislation important to the convenience, as well as to the prosperity and growth of a particular district of the commonwealth, as also effective participation in general legislation relating to the affairs of the state and nation in a great

historical crisis, called for a high order of ability and for superior qualities of statesmanship. Arthur G. Olmsted stood the test. In his second session he attained the Republican leadership in the House. His district still comprised the counties of Tioga and Potter. His colleague was Hon. John W. Guernsey, of Wellsboro. The adjoining district composed of Clearfield, Jefferson, McKean and Elk, was represented by T. J. Boyer, of Clearfield, and A. M. Benton of McKean. It was a Democratic district. Dr. Boyer became conspicuous as the author of charges of bribery in the contest resulting in the election of Simon Cameron to the United States Senate, testifying according to the majority report of an investigating committee that on one occasion he was offered \$15,000, and later \$20,000, and being corroborated in essential particulars by Dr. Earley.

Mr. Olmsted was appointed chairman of the Committee on Legislative Apportionment, second on Judiciary General (of which W. D. Brown of Warren was chairman), and a member of Federal Relations and Judiciary Local. By his request he was excused from the chairmanship of the Committee on Banks. It

was on his motion that a resolution was adopted directing the publication of a daily *Legislative Record*, and he was made chairman of the committee on the part of the House.

The completion of the Sunbury and Erie Road was announced. Legislation was consummated changing the boundary line between the counties of Warren and McKean, also legislation affecting the Potter County Coal and Lumber Company and the McKean Railroad and Navigation Company. The speaker, Hon. H. C. Johnson, of Crawford, announced that during his absence Mr. Olmsted would act as speaker *pro tem*.¹

The responsibility of leadership in the legislature of the Keystone commonwealth was at this juncture a grave undertaking. Pennsylvania was not only in many respects the most important of the loyal states. It was the nearest to Washington, and its statesmen could most readily be called into council. The Civil War had its dark periods.

"In the spring of 1863," says McClure, "Hooker suffered a most humiliating defeat at Chancellorsville, and the Army of the

¹ *House Journal*, 1864, p. 9.

Potomac had little to inspire it with hope of victory. It had been defeated on the Peninsula; it had been defeated at the Second Bull Run; it had a drawn battle at Antietam; it had been defeated at Fredericksburg and defeated at Chancellorsville. It had not a single decisive victory to its credit.¹

Moreover, Pennsylvania was on the border, its boundary confronted the Confederate Army of Northern Virginia; its soil was constantly exposed to hostile incursion. Thrice, year after year, it had been invaded. Chambersburg had been burned, and the counties of Bedford, Fulton, Franklin, York and Adams, as well as Cumberland, had been raided. Is it any wonder if the pulse-beats at the national capital were anxiously noted at Harrisburg? Pennsylvania had already organized its Reserve Corps. The War Department of the United States had created in Pennsylvania two new military departments: the Depart-

¹ McClure's *Recollections*, page 318. The following quotation is from John Sherman's *Autobiography* (Vol. 1, p. 329): "The utter failure of McClellan's Campaign in Virginia, the defeat of Pope at the second battle of Bull Run; the jealousies then developed among the chief officers of the Union army, the restoration of McClellan to his command; the golden opportunity lost by him at Antietam, the second removal of McClellan from command, the slow movement of Halleck on Corinth, the escape of Beauregard, the scattering of Halleck's magnificent army, the practical exclusion of Grant and his command, and the chasing of Bragg and Buell through Kentucky—these, and other discouraging events, created a doubt in the public mind whether the Union could be restored." The Democratic National Convention, meeting at Chicago on the 29th of August, 1864, by resolution declared the War for the Union a failure, and demanded that "immediate efforts be made for a cessation of hostilities."

ment of the Monongahela, "including that part of the state west of the mountains," under command of Major General Brooks, and the Department of the Susquehanna, comprising the remainder of the state, under command of Major General Couch. In June, 1863, General Couch arrived at Harrisburg, and assumed command. Troops to the number of 31,422 were assembled in the Department of the Susquehanna, and 5,166 in the Department of the Monongahela. These troops were finally merged in the Army of the Potomac.

A special session of the General Assembly of Pennsylvania became necessary in 1864, and met pursuant to call in August of that year.¹ The administration of the War Department was not without the most grievous scandals, which were made the subject of investigation and report on the part of the House.²

¹ Governor's Message, session of 1864.

² The following scathing passage is extracted from the report of the House Special Committee: "The criminal collusion of army officers with the most reckless and unmitigated scoundrels as herein exhibited, clearly proves a state of co-operation among the said officers, and systematic villainies perpetrated upon the credulous soldier, the unsuspecting people and the general government, which is of the most heinous character. Disqualified persons have repeatedly passed the surgeon's examination, with his full knowledge of their infirmities. Men have been mustered into the United States service who were utterly disqualified for military duty, and in many cases are yet in the service of the government. Recruits, after they were mustered, were not only permitted to desert, but were even induced to do so by those in authority, in order that they might be taken to other recruiting stations, with

It was a turbulent year—the year in which the peace sentiment in the North rose to a climax and receded. One of the chief causes contributing to this revolution was a decision of the Supreme Court of Pennsylvania holding the Draft Act of Congress unconstitutional. Against this decision the loyal spirit of the North rallied in a resentment not unlike that which followed the Dred Scott decision. The Chief Justice (Lowrie) who was a candidate for re-election and his associate (Justice Woodward), who was the Democratic candidate for Governor, were both smartly defeated. A motion to dissolve the preliminary injunction was promptly made to the reinforced court and the order vacated. The report of the case (45 Pa. 238) embraces ten written opinions covering one hundred pages. Justice Strong, who delivered the principal opinion sustaining the act, was subsequently called to the bench of the Supreme Court of the

an apparent understanding that those persons, although physically disabled and notorious deserters, might again be enlisted, either as volunteers or substitutes. Army officers have leagued with bounty swindlers, for the accomplishment of these vile purposes. The streets and alleys of our villages, towns and cities, have, at their command, given up the deformed and the aged to be accepted as soldiers for our armies. Infirmarys have been robbed of their diseased and maimed, and even prisons have disgorged their convicts at the bidding of judicial officers and traffickers in human flesh. In fine, human depravity of every grade has feasted upon the needs of the government, and while military authority has received from the hands of the civil powers these culprits whom they sought to bring to conviction, justice has been paralyzed and the community left the easy prey of the most accomplished scoundrels.”—*House Journal*, 1864 March 23d.

United States. It was the year, too, in which McClellan accepted the Democratic Presidential nomination, but, with unflinching patriotism, won the applause of the North by smashing the plank of the party platform which declared the war a failure, saying: "I could not look in the face of my gallant comrades of the army and navy and tell them we had abandoned that Union for which we have so often imperiled our lives." Lincoln finally wrested the victory only by the weight of the homely argument that it was not good policy "to swap horses while crossing a stream."

CHAPTER IX

THE SPEAKERSHIP IN 1865

WHEN the legislative session of 1865 opened, Mr. Olmsted was named for speaker by the Republicans with one accord. George A. Quigley of Philadelphia was the Democratic candidate. The latter received thirty-six votes, including that of his opponent. Olmsted received sixty votes and was elected. Among the members who supported him were several of subsequent note, including Matthew S. Quay, representing Washington and Beaver; A. K. McClure, of Perry and Franklin, and W. D. Brown, of Venango and Warren. At this session the Thirteenth Amendment to the Constitution of the United States, prohibiting slavery and involuntary servitude, was ratified. A pension law was enacted providing a maximum monthly pension of eight dollars for honorably discharged officers, non-commissioned officers, musicians and privates of the army, including volun-

teers, militia and drafted men, disabled by injury or disease.

A joint resolution was adopted requesting the Governor to call upon the general government for the return of sick and wounded soldiers, to be treated and cared for in hospitals within the State of Pennsylvania.

An act was passed providing for an additional law judge in the fourth judicial district, then comprising the counties of Tioga, Potter and McKean. Petitions were presented from the counties of Crawford and Potter praying for the passage of an act to secure the rights of married women. Acts were passed incorporating or supplementing incorporation of Bennett's Branch Improvement Company, Clarion Land and Improvement Company, Elk County Manufacturing and Improvement Company, Laurel Run Improvement Company, McKean and Elk Land and Improvement Company, Midas Petroleum and Improvement Company, Potter County Forest Improvement Company, North Western Coal and Iron Company.

The prosperity of great centers of material importance, the development of natural resources in large sections of the commonwealth,

were thus measurably dependent upon legislative skill, tact and ability. While the constitution of 1873 aimed to overcome existing evils, it left disadvantages in their wake. Local affairs being transferred from the legislative forum to the courts, local interest in the choice of representatives to General Assembly was diminished, and their selection gravitated logically to the headquarters of the larger corporations or their political agency, the party machine. Its power became abnormal, and willing, rather than strong, men were generally preferred as representatives.

As speaker of the Pennsylvania House of Representatives, Arthur G. Olmsted was associated in a galaxy of distinguished statesmen, who brought to the commonwealth high honor during the Civil War; foremost among whom was David Wilmot, who succeeded Simon Cameron when the latter was called by Lincoln from the United States Senate to the portfolio of the War Department; Galusha A. Grow, "Father of the Homestead Law," Speaker of the National House from 1861 to 1863; Edwin M. Stanton, also a member of the Lincoln cabinet, and Thaddeus Stevens, the "Great Commoner of the Republic."

A journalistic townsman of Mr. Olmsted, writing of him at a later period, has said:

“While not physically fit for service in the field, Arthur Olmsted gave to the Union cause the benefit of his talent, his courage and his sympathy, with clear discernment anticipating the dangers that impended when the South rebelled, with optimism predicting the ultimate triumph of the right, and with encouraging words and generous deeds helping the soldiers at the front and the struggling populace at home. And when the war was over, it was his initiative that erected a monument to the brave sons of Potter who had ‘given the last full measure of devotion’ to their country.”¹

While there were statesmen of note, including distinguished “War Governors,” who exhibited practical and patriotic concern for the Union soldier in the field and for his dependents at home, it is safe to say that there was no public man of that period who was in more intimate touch with the men at the front, none who knew better their needs and their views, or who was more vigilantly solicitous for those whom they had left behind. His hand is plainly seen in the pension law of 1865.

¹ *Potter County Journal*, December 16, 1914.

He corresponded with soldiers who had enlisted under his persuasive eloquence. He felt keenly his physical disqualification and coveted their comradeship. They wrote him not formal acknowledgments merely, but letters containing reports of battles, observations and personal opinions—intimate opinions, at first hand, of much value to a public man in a position of leadership. The following extracts are from a letter written by Lieutenant-Colonel Walton Dwight, dated “Headquarters 149th regiment, near Pollock’s Mill, Va., May 13th, 1863.” It was written at the close of the Seven Days’ Battles, culminating at Chancellorsville. It is of no little historical value, as an immediate, intimate, astute study of a much-mooted battle, notwithstanding the writer had evidently not yet learned how completely Howard’s Eleventh Corps had been surprised in the forest by the brilliant flanking movement of Stonewall Jackson, nor that Jackson had died of his wound, nor that the Union commander, Hooker, near to a masterly victory, had been disabled by a shattered pillar, but for which retreat might not have been ordered. How solicitous the writer is of the effect of the reverse upon the

people at home! How conscious that the army was fighting under the eyes of the loyal North! And yet how undismayed and confident! Nor did he dream that he was soon to lead his regiment (149th Pennsylvania) in the famous battle of Gettysburg, and that when General Roy Stone and Colonel Wistar were wounded, he was to rank second in command in the "Bucktail Brigade."

"I would like much to step in unobserved and listen to the numerous conclusions arrived at in the quiet little town of Coudersport relative to the late movements of this army. We would much like to know how the people feel. We can judge by the papers, but they lie so infernally we can put no confidence in them. Their accounts of the late seven days' campaign are very incorrect. They give to some corps and generals the credit of doing what they could not, as they with their commands were from two and a half to five miles distant from where great and severe conflicts were said to have taken place. We want to know whether our reverse—for it is nothing else—has dampened the patriotism of the people in our rear. Will you send us on the new quota to be obtained by draft? Is public sentiment of that character that it will fully sustain the administration in any and all measures

necessary to crush out the rebellion? You can see that we are much weaker than before the late engagement. Our loss is from 15,000 to 18,000, although the prints put it at 9,000. We here know it to be over 15,000—although it is not necessary to advertise that fact. We now have 23,000 two-years' and nine-months' men, making altogether our army some 40,000 less than when we made the crossing some twelve days ago. We then numbered 110,000 men for duty, now less than 70,000. True the enemy are greater losers than we in killed and wounded, but their men do not go out of service until kind Providence discharges them. They are relatively stronger than when we made our advance. You need not expect success from this quarter unless the enemy is compelled to withdraw a portion of his force to some other part of the Confederacy. Should he do so we could, perhaps, successfully advance with our present force; otherwise I fear the result of another forward movement. This is one of the worst countries to fight a large army ever seen; the enemy being perfectly acquainted with the same makes it all count advantageously to them. Their force was, to the best of my judgment, 100,000 men in the late engagement. They are, if anything, better armed than our own men, and are full as well clothed, notwithstanding the prints to the

contrary. My regiment took ninety prisoners one day while we were on the right, May 3d. I know we turned in our own arms and retained theirs in preference. They fight full as well as our men and are fully impressed with the idea that they are fighting for their independence, and consequently must in the end be successful. The more intelligent, however, acknowledge that we can overpower them if we bring the full power of our government to bear against them.

"There can be no doubt of the final ending of this affair if we are true to our principles. If the people will do as well in the rear as our army will in the field, it is only a question of time. You must not blame us for not winning. We have done all that could be expected of any army. Our loss alone speaks for us. You must remember we are fighting our own kind, officered by the best men in the land. We need not expect great routs and great victories. We have never had them in this war. From what I have seen I do not expect them. I think I am perfectly cool, and my experience of the past fifteen days has given me an insight into this thing never before possessed. Patience and long endurance, with a disposition to throw all into the balance for our cause, is the only thing that will win. There were mistakes made on our side that cost us dear, that

perhaps lost us the victory, but General Hooker is but a man. Had he been something more, all might have been well. To err is human. None of us could see the end in the beginning, consequently none could foresee exactly what was wanted. Had we sent a small force to Port Royal—some fifteen miles below us—to have made a demonstration at crossing at that point, we could have held Stonewall Jackson there with his 20,000 men until Hooker could have whipped Lee on the right. Or had the Eleventh Army Corps fought like men instead of running like cowards, as they did, our corps, 15,000 strong, might have been left with Sedgewick, and saved Fredericksburg to us, without a doubt. Or had the cowardly powers in Washington sent down General Heintzelman with his 40,000 useless men at that point, but all needful here, the result of the late fight would have been the most glorious of anything since the rebellion broke out. With that force we could have completely gobbled them up, and changed the whole aspect of the rebellion. As it was, with the cowardice of the Eleventh Corps, and the doubtful prospect of holding the position we occupied on the 6th (owing to the constant reinforcement of the enemy), the loss of Fredericksburg, and the fear of being outflanked, in connection with the rapid rise

of the Rappahannock, which seriously threatened the carrying off of our pontoon bridges—thereby entirely cutting off our supplies—common sense dictated that we should recross the river, after one of the hardest fought battles of the war without any decisive results on either side—although I always consider it a reverse to be compelled to fall back. The loss of the enemy is certainly much heavier than ours, as they in almost every instance charged upon our works and were mowed down like grass. Lee acknowledges a loss of 18,000. I think it must be greater 'even than that.

“The generalship displayed by Hooker in successfully crossing the river in the face of an enemy nearly our equal in numbers, and our superior in position, with comparatively no loss, must win the admiration of all. Our brigade and the cavalry aided by a series of feints which completely bewildered the enemy.

“The cavalry went up the river, we down. Our demonstration was made at Port Royal. We made Quaker guns, put them in position, built huge fires in and about the woods in front of that point, and exposed our empty wagon train to view—and this was about ten days previous to the general movement. The effect produced was more than expected, the enemy immediately began entrenching, and sent a strong force to that point. Hooker

made one mistake in not keeping a small force there at the time he made his actual crossing. As I have previously remarked, had he done so Jackson would not have been in our way until after he was whipped. This point is seemingly the place to cross in advancing on Richmond. Therefore a feint necessarily would have been something more to the enemy, and they would have held there a large force to meet us. The next feint was made by the First and Sixth Corps on the 28th of last month, the beginning of the late movement at Pollock's Mills (four miles below Fredericksburg). I see by the prints Sedgewick gets all the credit for crossing at this point, whereas our corps (the First) laid the first two pontoon bridges, and crossed the first man. We lost, killed and wounded there, about one hundred men, were under fire of the four batteries of the enemy at that point during the whole time Hooker was crossing with his main force at Kelly's Ford, all of which we got no credit for in the papers. Verily, in these times the loudest trumpet is considered the finest instrument. We should have been all right had we a newspaper correspondent along. The loss of our corps here was very light, owing altogether to the very bad range of the enemy's guns. We remained here, keeping up the demonstration, as long as the bait took, which was sufficiently long

to allow our main force under Hooker to get into position on the right. We were then, on the morning of the 2d, ordered to the right. We made twenty-two and a half miles that day under the most scorching sun, with eight days' rations and sixty rounds of ammunition per man. As we moved up to our position on the extreme right and front, on the night of the 2d, near the confluence of the Rapidan and Rappahannock, about one and one-half miles from the former, we passed through the broken and panic-stricken ranks of the Eleventh Corps. Some of them were on mules, some on artillery horses that had been hastily cut loose from their batteries, others in ambulances, all intent only on personal safety, and making rapidly for the rear, and all giving but one account of the front. All there was ruin and annihilation. Notwithstanding all this, our boys moved through them with cheer upon cheer, which was heard by Sickles' men who were at that time desperately pushed by A. P. Hill, about one-half mile to our front and left. It had a good effect as it rested our tired boys and instilled new hopes into them, and had a correspondingly depressing effect on the enemy. They immediately retired. There is no doubt but what our timely arrival saved our army that night at that point. We at once proceeded to fortify after we got in position.

At nine a. m. next day (3d inst.), we had a perfect rifle pit and were ordered to make reconnoissances in front. We did so and before two p. m. of the 3d our regiment had captured eighty-six prisoners, and felt the position of the enemy for three-quarters of a mile. The enemy in the meantime shifted his position to the left of us, only leaving a skirmishing force to hold us while he could attack our forces to our left. He did so, but without success, and with great loss, as our lines were too strong for him. The day was a series of skirmish fights, resulting in very slight losses. Monday, the 4th, all was quiet until one p. m., when we were informed that the enemy were making to our right. Our brigade was immediately ordered out to meet his advance guard. We moved to our front and right, and then to our left, hoping to find it (this whole region is a dense wood excepting only the center where the principal fight occurred). His move against us, however, was only a feint, as he immediately whipped about and attacked the center of our line on the right, about a quarter of a mile to the left of our position. This attack was one of the most daring and desperate of the whole war. Jackson and Hill had both been wounded. We, at that time, had not heard of anything going wrong at Fredericksburg. The enemy was desperate. He must

cut through. We were in high hopes. Lee, in this charge, moved at one time six brigades against our works. They came up with yell after yell to within forty yards of our line of defense, then, for a moment, all was quiet as the grave; then the continuous roar of 30,000 to 40,000 muskets for five minutes; then the heavy boom, boom, boom of sixty pieces of artillery; and then the three cheers of our own men; and then the charge, and then the 'three times three' which told us we were victorious,—is something that could be felt but not described. There was something terribly grand in it all. The 5th was for us a heavy day. It told of disaster and defeat at Fredericksburg. The enemy, too, was receiving heavy reinforcements, becoming more numerous on our right than our forces. A terrible rain also set in which would swell the river to that extent that it would carry our bridges off, and leave us without supplies. We could hear nothing of Stoneman. We then did not know whether the enemy's connections were cut, so but what he could constantly pour in reinforcements. Prudence demanded the re-crossing of the Rappahannock. But I assure you we did so with heavy hearts. I think we should have remained. I believe in either winning all or losing all. This thing has run about long enough. The commanding general did

not take the above view. We are *safe this side the river*.

“The men are in good spirits and willing to again cross arms with the enemy whenever our best interests demand it. As regards the part my own command took in the late campaign, I can safely assure you it stands second to none in our corps. The number of prisoners taken by us was greater than by any other regiment; and the amount of information obtained by our scouts was large and of the most valuable character. I cannot say enough in praise of the many excellent qualities displayed by our men under the most trying circumstances. Their cheerfulness, perseverance and stern will at all times prominent during our arduous campaign of the past few days, must win the admiration of all. I have discipline in my regiment, and every man now can appreciate the value of it, although I have been considered very severe, heretofore. In all of our various moves not one of my men ever gave a false alarm. I can safely say, were all the men in our army under as good discipline as our little brigade, the 70,000 men now left would be more efficient than the 110,000 we took into the late fight. I do not intend that the good people in Potter shall ever hear of any disgrace to our soldiers, however much they may learn of my severity.

"My kindest regards to your most estimable lady, and believe me

"Very truly yours,

"W. D. DWIGHT,

"Comdg. 149th P. V.

"Please write me if convenient. I have run over this in great haste, but it is reliable. The whole summing up of the matter is not very much in our favor.

"W. D."

Twenty days after the second inauguration of Lincoln, the Pennsylvania Legislature adjourned. On the 24th of March, 1865, Mr. Quigley of Philadelphia offered the following resolution in the House, which, upon call of the roll, was unanimously adopted:¹

"*Resolved*, That the thanks of this House are due and hereby tendered to the Honorable Speaker, A. G. Olmsted, for the prompt, able, dignified and impartial manner in which he has presided over our deliberations."

In token of the esteem of the officers of the House, an elegant gold-headed cane was then presented to the speaker by Mr. W. H. Ruddiman.

¹ *House Journal*, 885

CHAPTER X

SERVICE IN THE SENATE

LEE'S surrender, the assassination of Lincoln, induction of Vice-President Johnson into the Presidency, the function attending it, the processes of reconstruction, the election of Geary in succession to Curtin as Governor of Pennsylvania, these and many other stirring events speedily followed the close of Mr. Olmsted's period of service in the lower house of the Pennsylvania Legislature. He was succeeded in that body by his preceptor, Hon. John S. Mann, who was successively elected for the sessions of 1867, 1868, 1869 and 1871, and later chosen a delegate to the Constitutional Convention of 1873. It was the intention that Mr. Olmsted should go to the Senate, succeeding the incumbent from Tioga County. The senatorial district was then comprised of the counties of Potter, Tioga, McKean and Clinton, in area (4,078 square miles) nearly four times as large as

the State of Rhode Island. Mr. Olmsted was elected to the Senate in the fall of 1868, carrying McKean County by a majority of one hundred seventy votes over A. M. Benton, of Port Allegany, the Democratic candidate, leading the ticket, with scarce exception, throughout the district. Meanwhile he gave more consecutive attention to the practice of his profession than for some years had been possible. Seth Lewis and Don Carlos Larrabee, students in his office, were admitted to practice. The latter received the appointment of postmaster at Coudersport, but after a few months relinquished the office and became the law partner of Mr. Olmsted under the firm name of Olmsted and Larrabee, a partnership which continued unbroken until 1883. Hon. Robert G. White, of Wellsboro, was still the president judge of the district composed of the counties of Potter, Tioga, Cameron, Elk and McKean, but was to be succeeded in 1871 by Hon. H. W. Williams, of Wellsboro. Potter County was still without rail communication with the outer world, and, therefore, but slowly increased in population. Lumbering was still the chief industry. Few saw-mills, however, had yet been established, and trans-

portation of logs was by nature's highways,—the several tributaries of the Sinnemahoning, the Allegheny and the Genesee, and for the purpose these smaller streams were made “navigable” by act of assembly.

It is interesting to note the order of legislation in aid of pioneer development; first, for transportation by stream, then by highway, and later by railroad, settlements (towns and villages) following along these courses in their natural sequence. Thus, streams of the commonwealth having been declared navigable by act of assembly, their chief tributaries were by numerous acts also declared public highways. For instance, by act of 1805, the west branch of Pine Creek from the third fork in the county of Tioga to the forks at the Elk-Lick, in the county of Potter, and also the said third fork from its mouth to Morris' marsh (in the said county of Tioga) “were declared to be public highways for the passage of boats and rafts,” and “lawful for the inhabitants and others desirous of using the navigation of said branches to remove all natural or other obstructions in the same.” Likewise, by act of 1807, “all that part of Oswaye Creek, in the county of Potter and county of McKean,

which lies between the north line of this state and the forks of said creek about twenty miles from its mouth, and "all that part of Six's or Conondau Creek, which lies between the town of Smith's Port, in the county of McKean, and the mouth of said creek, and so much of the Allegheny River, in the counties of Potter and McKean, as lies southwardly of the north line of the state," were declared "public streams or highways."

There was contemporaneous legislation regulating the use of said streams by mill-owners, and the construction of slopes and locks in such manner as should not prevent fish from passing up stream, or boats and rafts passing downward. Then followed a half century of successive acts, in such detail, intricacy and volume as to constitute an independent branch of the law, governing the use of these streams in the business of lumbering and transportation of logs and rafts along the same, including the marking of logs and lumber, taking up and reclaiming the same, construction of booms by driving piles to gather and hold floating logs, and finally, for the incorporation of associations for such purpose, known as boom companies. With

the exhaustion of the forests, this period passed into history.

The number of senators, since increased to fifty, was then but thirty-three, and a seat in the Senate was consequently regarded as a position of high dignity and importance. Mr. Olmsted entered the Senate with the prestige of his distinguished service in the House, from which he had gained an enviable state reputation. His associates, many of them, were to be men of marked ability. Wallace, afterwards a Democratic leader in the United States Senate, came from Clearfield; Buckalew, noted as a constitutional lawyer and author, who had just finished a term in that body as the successor of Wilmot, came from Columbia; General Harry White, soon to become a conspicuous member of the 45th and 46th Congresses, from Indiana; and Charles H. Stinson, speaker of the Senate, from Norristown. Into the office of Attorney General, with the incumbency of Governor Geary, had come Benjamin H. Brewster, of Philadelphia, subsequently called to the cabinet of President Arthur. General Hartranft had become Auditor General, and Robert W. Mackey, political preceptor of Quay, was State Treasurer.

Senator Olmsted was assigned to the following important committees: Federal Relations, Judiciary General, Education, and he was made chairman of the Committee on Library. Early in the session he introduced and secured the passage and approval of an act supplemental to the act of 1853, incorporating the Jersey Shore, Pine Creek and State Line Railroad Company. The promotion of this road was regarded as essential to the public interests of Potter County, and Olmsted and Mann had it at heart and kept it in view throughout their respective terms. But there were still obstacles in its way which it would require legislation to remove, and this was to be sought by an act subsequently to be introduced.

It was in the session of 1869 that an act was passed appointing commissioners to lay out a road from Kane to Campbell's Mill. By far the most important action of this session was the adoption of a joint resolution ratifying the Fifteenth Amendment to the Constitution of the United States declaring that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or

previous condition of servitude. Party representation was evenly divided in the Senate, and it was by no means certain that the resolution would pass.¹ In fact, a serious contest was anticipated. The resolution came from the Committee on Federal Relations with a strong minority report by Wallace and McCandless. The majority report was signed by M. B. Lowry, James L. Graham and A. G. Olmsted. Its language is easily identified as that of Olmsted, and the fact that his name was the last to be affixed is a circumstance not needed to confirm the conclusion. The following passages are worthy of a place in history:

“That in free America, the home of Washington—the refuge of the oppressed of all climes—the land of a free church and a free Bible, where education is opened to all, and where alone in all the earth was each white man the political equal of every other white man, there should remain upon the statute books of states which had long declared all their inhabitants free, a law forbidding the exercise of suffrage because of color, could be as little explained to our

¹ In 1861 (January 24th), the legislature had passed a joint resolution which, *inter alia*, conceded the maintenance of slavery as a constitutional right.

friends abroad as it could be excused by ourselves. The principle of justice which had struck the manacles from the limbs of the black man would have seemed equal, at the same time, to the duty of placing the ballot in his hands. That it would have been so sufficient is now evident to all but for one reason, namely, the baneful and blighting influence of slavery in the Southern states. . . . The negro race in Pennsylvania may be estimated at 75,000. Many can trace their state lineage through generations; must have been born on her soil. . . . The negro in Pennsylvania voted until 1838. Did his exercise of suffrage injure the state? Can any one—did even the convention, which, in obedience to the behest of slavery, deprived him of that right—say that it did? . . . Taxation without representation is as repugnant to the moral sense today as it was in the Revolution. Let Pennsylvania no longer tolerate it within her borders, but now, hand in hand with her sister states, let her help to engraft into the constitution of the nation this last lesson of the Rebellion, this crowning act of justice, and proclaim that under the flag of our country all men shall be equal in the eye of the law.”

The resolution was adopted by a vote of eighteen in the affirmative to fifteen in the

negative.¹ In the session of 1870 Senator Olmsted was given an additional chairmanship, that of the Committee on Estates and Escheats, and subsequently was also assigned to the Committee on Electoral Reform. General Thomas L. Kane, a member of the first State Board of Public Charities, was elected president of the board. General Kane afterwards tendered his resignation, and in a rather scathing report, recommended the abolition of the board as an inefficient means for the purpose in view, saying that members generally were inattentive and neglectful in respect to attendance at stated meetings, and little interested in regard to the respective charities over which they were presumed to have supervision.

General White succeeded to the speakership and Lucius Rogers of Smethport was continued in office as assistant clerk of the Senate. The time had come for the introduction of the railroad measure which was to set the people free enchained in the wilderness, and liberate the resources of the county of Potter. The record shows² that "Mr. Olm-

¹ *Senate Journal*, 1869, p. 550.

² *Senate Journal*, 1870, p. 623.

sted read in his place and presented to the chair a bill entitled 'An Act to facilitate and secure the construction of an additional railway connection between the waters of the Susquehanna and the great lakes, Canada and the northwestern states, by extending the aid of certain corporations to the Jersey Shore, Pine Creek and Buffalo Railway Company.'" The preamble of the bill affords such concise explanation of the measure that it is here quoted:

"WHEREAS, It is a matter of much public importance to the state at large that a railway should be completed at an early date to form an additional connection between the anthracite and bituminous coal fields of Pennsylvania and the great chain of lakes and states west: also to aid the construction of the Pittsburgh, Virginia and Charleston Railway, the Clearfield and Buffalo Railway and the Erie and Allegheny Railway, and thereby provide outlets for important portions of this commonwealth that are filled with valuable coal, mineral and other products, now without such highways, and when those lines are constructed adding greatly to the taxable values for state, county

and municipal purposes, as well as to greatly increase the value of productions from those sections of the commonwealth for manufacturing, agricultural and all other purposes; and

“WHEREAS, It is believed that those desira-



Approximate route of the Jersey Shore, Pine Creek and Buffalo Road (extended to Buffalo).

ble objects may be accomplished by the provisions of the annexed bill, and in order to grant sufficient authority for effective aid as aforesaid to secure the same; therefore," etc.

The route of the road was to be from Jersey Shore by way of Pine Creek and the Allegheny River to the New York state line. March 16,

1870, was agreed to for the consideration of the bill, and to enable members of the House and other persons interested to attend, consideration was postponed to the morning session of the 17th and again to the evening session of that day. Debate on this bill had been long anticipated. It was understood that it was to be opposed on the part of certain railroad interests. Constitutional obstacles were to be the ostensible ground of opposition. Buckalew, one of the most distinguished lawyers in the commonwealth, was to lead the attack. It was to be a forensic battle of giants. The Senate chamber was crowded. If the bill should pass, it would go to the House. Hence many members of the lower branch were in attendance, and the argument was in effect to both branches. Representatives of affected interests were present. Here and there friends of the bill could be counted in the audience, among them, doubtless, F. W. Knox and Sobieski Ross, also Backus, of Smethport, Byron Hamlin, a senatorial predecessor of Olmsted, also Strang, speaker of the House, who was to succeed him, and perhaps Arnold, moved by the argument that the Buffalo and Washing-

ton Railway via Port Allegany was dependent upon the success of the pending project. These gentlemen, or some of them, with certain of their friends, had subscribed liberal contributions in land, required to secure requisite capital for the proposed railroad construction. Senator Olmsted had made careful preparation. He was to meet adversaries worthy of a supreme intellectual effort. The audience was intent. He began by clearing the ground of the constitutional question which had been raised, and then entered upon a description of the advantages which would result from the construction of the road, well calculated to propitiate his hearers. He then proceeded in the delivery of a powerful argument, which lacked nothing of vision, nor of eloquence, nor of legal acumen and cogency, nor of a masterly array of facts, legal principles and precedents. He anticipated and overwhelmed objections, met interrogation with ready and convincing retort, and when he took his seat, it was realized that he had made an argument which no senator could cope with, that he had won the day, and that the address was a forensic triumph of a high order. There are passages in this address

which will be of permanent interest, particularly in the region which then embraced his constituency.

Omitting the discussion of the constitutional question as one of no present interest, and in any event, substantially disposed of by the Supreme Court in the case¹ cited by Senator Olmsted, the argument proceeded as follows:

"I believe, sir, that this road when constructed will immediately become one of the most important lines of travel in the United States. It will reach by its connection with the Buffalo and Washington Railway,² now in course of construction, the great entrepôt of the western lakes by a route fifty miles shorter than any now in existence. It gives a Pennsylvania corporation control of a short, direct line from Philadelphia to Buffalo. It should be remembered that while New York has already four lines of communication between Buffalo and New York City, we have not one between that important point and our great seaboard city, though trains are now run from Philadelphia to Buffalo, under a lease held by the Northern Central of the Elmira and Canandaigua road, but this lease soon expires, and then that

¹ Gratz vs. Pennsylvania R. R. Co., 5 Wright, 447.

² Via Emporium and Keating Summit.

road falls into the control of the New York and Erie. The harbor at Buffalo is now and always will be the great point from which the enormous productions of the West are distributed. It is safe to say that nine-tenths of the grain and cattle production of the entire West is deposited *en route* to the Atlantic sea-board in that harbor, and, as facilities now exist, it is carried eastward almost exclusively by New York corporations."

Here the speaker exhibited by a comparative statement of facts and figures the magnitude of the developing coal trade of Buffalo, from which shipments were being made to Chicago, Milwaukee, Detroit and the great West, ignored by Pennsylvania capital, absorbed in over-supplying the market toward the sea-board.

"That line of transportation will be most important which puts this article of constantly increasing and unlimited demand, at the great entrepôt of the lakes by the shortest and cheapest route. . . . Now, Mr. Speaker, this line, when completed, will put both the anthracite and bituminous coals of Pennsylvania from forty to one hundred and fifty miles nearer to Buffalo than they can now be put there by any existing line."

Taking the distances from the anthracite coal fields of Scranton and Shamokin via Williamsport, Elmira and Canandaigua as approximately two hundred ninety-four miles, Senator Olmsted showed that the projected route via Sunbury would be forty-five miles shorter. In the following language he portrayed the development of bituminous coal mining in the counties of McKean and Potter:

“The nearest bituminous coal to Buffalo by present line is that in Mercer County, which reaches that point by way of Erie and the Lakes, or by rail at a distance of one hundred sixty-seven miles. The next nearest is that at Blossburg, Tioga County, which by rail and the Seneca Lake, reaches Buffalo at a distance of two hundred eighty-nine miles, or by rail exclusively at a distance of one hundred seventy miles. Now, sir, pass this bill and build this road, and the bituminous coals of McKean and Potter counties can be placed on the docks at Buffalo at a distance of from eighty-five to one hundred twenty-five miles. It necessarily follows inevitably from these facts that the seven hundred thousand tons now distributed from Buffalo can be transported thither from seventy-five cents to one dollar and twenty-five cents cheaper

than by existing lines, and as a necessary consequence a large portion of the coal carrying trade must be done over it."

He next demonstrated the importance to Philadelphia of a share of the eastern traffic from Buffalo then going to New York. He gave the figures of 1870 for grain, live stock and lumber, and showed that only a small fraction passed over roads in which Pennsylvania capital was invested.

"Now, Mr. Speaker, when the facts show that by construction of the Pine Creek, State Line and Buffalo Railroad, we place Philadelphia fifty-five miles nearer to Buffalo and to this immense trade than she now is, and over seventy miles nearer to that point than New York City by present lines, the importance and value of the undertaking becomes apparent, and our plain duty as senators comes home to us. Shall we be deterred by imaginary evils or objections, narrow and technical, or shall we arise to a just appreciation of the great argument, and by an act of liberal justice to ourselves, grasp now what the law of development and of trade declares is our inheritance."

From this discussion of the importance of the through traffic the speaker passed to the

subject of local development and its economic results. Taking the instance of the branch only twenty-five miles long, up the Tioga River to the Blossburg coal region, he showed that the state had in the single year 1870 received from it in taxes \$11,978.89.

“And yet,” continued the speaker, “the idea has become almost chronic in the earlier settled and better developed portions of the state, that all that section of our commonwealth is comparatively valueless, and its people and its interests have hitherto been regarded as unworthy of consideration as those of a delegate from a distant territory in the National Congress, or a Catholic bishop from Egypt or Syria in the Ecumenical Council at Rome.”

Showing that for more than seventy miles the projected road would pass through this undeveloped region “containing coal enough to occupy the entire transporting power of all the corporations in Pennsylvania for fifty years,” he went on:

“Build this road through that region now totally undeveloped and you bring forth this hidden treasure and haste it onward to the markets of the West, add untold millions to

local values, create new objects of state revenues, and furnish employment for thousands of the hardy sons of toil."

Deposits of iron ore had been discovered at various points, and the speaker predicted its development as a matter of importance because of its proximity to coal and timber requisite for its manufacture. Then he turned to agriculture.

"A careful examination of the census returns for 1870 shows that the aggregate value of agricultural products in the three counties through which this road mainly passes is equal to that of any counties in this state or elsewhere of equal population. For dairying purposes they are not equaled by any counties in this commonwealth, resembling in their climate, soil and general surface the counties of Cortland, Allegany, Steuben and others in the State of New York that produce now the bulk of the butter and cheese sold in the markets of the City of New York."

Having thus demonstrated that the earnings of the proposed road would surely pay the interest and principal of the proposed lien upon it, the senator proceeded:

"It would be well for us all to remember that this road will pass through a region that has

hitherto received no aid from the fostering care of the commonwealth. As I remarked last winter, it is a neglected and unappreciated portion of the state. Its citizens have hitherto been treated as aliens and strangers from the Commonwealth of Pennsylvania. They have borne the burthens without the benefits of citizenship, and they ask that from henceforth they shall stand as equals upon a common platform. They pay for what they demand. These bonds are but the representatives of money actually expended by the state in sections that are now rich and populous, and great common gratitude requires that the representatives from those counties should go to the verge of constitutional limit in their efforts to be just to others."

Appealing for a more liberal public policy, the speaker, though not foreseeing the adaptation of electricity to interurban transportation, nor the motive power of gasoline and the invention of the modern motor-truck, clearly foresaw the expanding need of increased facilities for transportation at low cost, and thus predicted municipal construction and maintenance of lines of railway over short routes:

"The time will come in this country when railroads of cheap construction and narrow

gauge will be as common as highways, and then they will be built and maintained at the expense of the municipal corporations through which they pass."

Recurring to the pending bill, he related a striking instance of the success attending legislation of similar import in aid of a Southern road, and closed with this eloquent peroration:

"Mr. Speaker, I need hardly say that I am anxious for the passage of this bill. I represent upon this floor an important portion of this commonwealth when brought by railway lines into connection with the outer world. Now it is as nothing. The whole future of that region is hanging upon the proposition contained in this bill. It is for the legislature to say whether it shall become rich and populous and great, or whether it shall remain as it now is, cast off from communication with the human race. Pass this bill, and it will bring our people into connection and sympathy with the balance of this great commonwealth. It will remove the dread shadow under which they live and expose their great natural wealth to view and apply it to the uses of mankind."

The Senate chamber may well have resounded with prolonged applause. Those

who had listened had heard the utterances of a statesman. When Senator Olmsted resumed his seat, he had added new lustre to his reputation. Speeches in opposition to the bill were made by Buckalew, White, Brooke and Billingsfelt, and in its favor by Wallace, Randall, Purman and Lowry. When put to vote on the following day it passed, twenty senators voting in the affirmative and twelve in the negative, and next day, under the leadership of Speaker Strang, it passed finally in the House. Would it receive the Governor's approval? That was by no means assured. On the contrary, it was deemed certain that sinister influences would, if possible, be brought to bear to secure a veto. The commonwealth had, however, been well aroused in behalf of the bill. The *Philadelphia Press*, on the morning after the hearing in the Senate, had a column and a half editorial in its support, recapitulating the arguments and statistical facts in Senator Olmsted's speech, and on the following day the *Inquirer* had a half-column editorial concluding as follows:

"The bill to facilitate the consummation of this important enterprise is now in the hands of the Governor awaiting his signature, and we

are assured that in expressing the hope that he will at the earliest moment give it his official sanction, we but express the sentiments of every citizen interested in the prosperity of the commonwealth."

But Governor Geary had the power to put to death this great constructive measure, and he exercised that power. If he had honestly doubted the constitutionality of the bill, he might have left the question to be judicially determined. But he did not risk it with the courts. He declared it unconstitutional, himself, and returned it without his approval. That he was aware such course would not commend itself is evident from the following apologetic paragraph in his message:

"Regarding it as among the most important ever submitted for consideration, both in the principle it involves and the consequences of my action thereon, I have examined it with as much care as was possible in the short time allowed and the pressure of other duties at this late stage of the session. For these reasons it would have been desirable that the views about to be announced should have been the subject of more mature reflection."

So the legislative triumph which Senator Olmsted had won through a year and more of patience and tact and parliamentary skill, was thus frustrated, and the measure which he had at heart and to which his constituency had long looked for relief, was finally set at naught by a few deft strokes of the gubernatorial pen. But Senator Olmsted was not

*With assurances of my best
wishes and highest regards, I am
Very Truly
Your Friend and Opponent
Wm. W. Lunt*

altogether disheartened. Subsequently he sought with success other means of relief from their isolation for the inhabitants of Potter. Nevertheless, reviewing the events which followed the defeat of the measure, it is probable that the Governor, in the passage quoted, did not overrate either its importance or the consequence of his action; and that the veto played no little part in the political disruption which followed, in which his own career was terminated and his party overthrown.

The session of 1871 was crowded with

important legislation. The membership of the Senate had received strong reinforcement: James S. Rutan, a notable Republican leader; Harrison Allen, soon to be Auditor General; Delamater and Dill, both to become gubernatorial candidates. By the close vote of seventeen to sixteen, Wallace was elected speaker over White. The necessity for a constitutional convention had become apparent. Senator Olmsted presented the petition of the city of Philadelphia praying for the calling of such convention. He was assigned to the Committee on Constitutional Reform, in addition to his previous assignments. The necessary legislation preliminary to the Constitutional Convention of 1873 was thereupon matured. Senator Olmsted reported from the Judiciary General a joint resolution, regarding a Centennial Celebration. The speaker appointed Messrs. Olmsted, Purman and Nagle the committee on the part of the Senate relative to a Centennial Celebration in Philadelphia in 1876. The committee conducted the preparations.

Upon receipt of the Governor's message announcing, *inter alia*, the appointment of Thomas L. Kane as major-general of the 12th

division, composed of the counties of Clarion, Elk, McKean and Forest, the appointment was unanimously confirmed, and on the same day, upon motion of Olmsted, General Hartmanft and General Beaver were also unanimously confirmed.

On motion of Senator Olmsted the Game Law was amended; also, upon his motion, the rules were suspended and a bill passed relative to actions of replevin.

Some idea of the extent of the local legislation procured by Senator Olmsted at this session will be gained by mention of the following bills, most of which were designed to promote the industrial and material development of the region embraced in his senatorial district:

A supplement to an act appointing commissioners to lay out and open a state road from the mouth of Kettle Creek down said creek to the south line of Potter; a bill vacating part of state road from the mouth of Paddy's Run to Hopper House in Potter County; a bill to lay out a state road from house of Florian Rausch, in Abbott Township, down Kettle Creek to the south line of Potter; a bill to lay out a road from Babbs' Creek to

coal mines at Antrim; a bill to lay out a state road from Johnsonburg to Backus' steam mill in McKean County; a supplement to act to lay out state road from Ridgway via Johnsonburg and Wilcox to Kane; a bill construing act to lay out a state road from Wellsboro to Bodines; a bill amending road laws of Potter County; a bill repealing road and bridge act for McKean, Bradford and Venango; a supplement to an act extending time for completing Buffalo, Bradford and Pittsburgh Railroad; a supplement to an act incorporating Wellsboro and Lawrenceville Railroad Company; a supplement to an act to incorporate the Bald Eagle Broom Company; a supplement to an act incorporating the Bald Eagle, Nittany and Brush Valley Turnpike Company; a bill changing the name of the Buffalo and Washington Railway Company; a bill to confirm and establish certain monuments in the borough of Smethport. At this later day it seems incredible that these numerous acts are but instances of a considerably larger volume of enactments procured at a single session for the several counties of this district. It was the simplest kind of constructive legislation,

but it resulted in the rapid upbuilding of the region.

At the same session a bill was introduced to create a new county out of Warren, Venango and Crawford. It was resisted by the representatives of these counties. The opposition leader was Charles W. Stone, of Warren, afterwards Secretary of the Commonwealth, Lieutenant Governor, and an influential member of the Pennsylvania delegation in the 51st to 55th Congresses. The measure was strongly supported, and excitement ran high, but with the co-operation of Senator Olmsted it was defeated.

Corporate employment had at this juncture risen to great magnitude throughout the East. Factories multiplied, and increasing demands were made upon coal mines and means of transportation. Controversies arose over rates and scales of wages; corporate management appeared to be inconsiderate, if not arbitrary, and labor organizations began to be formed. The situation was becoming acute, and found expression in the legislature. In the Senate of Pennsylvania, it became a matter for consideration in connection with coal freights, and was the subject of a report

from the Committee on Judiciary General, to which it had been referred. The report was unanimous, and was signed by J. D. Davis, chairman, Robert P. Dechert, R. Bruce Petrikin, Harry White, A. G. Olmsted. It presented a careful study of the problems involved, and contained, among others, such striking sentences as the following:

“If labor be the parent of capital, capital in turn becomes the foster mother of labor.”

“The right of labor to combine is no longer an open question.”

“The first great strike on record occurred among the men employed in building Windsor Castle.”

The contention on the part of labor had not been ignored by the committee, and the report concluded with a recommendation for the establishment of a commission board of arbitration. The report does not appear to have been immediately fruitful of legislation. But when it is remembered that forty-seven years have since elapsed, and that capital had then met no reverse in its controversy, that it had grown self-confident, if not arrogant, it will be seen that the committee had taken a long, bold, forward step in summoning it to

trial, to lay its cases fairly before an impartial tribunal. The antecedents of Senator Olmsted had been such, the experience of his early life, his constant touch with the hand of toil, his instinctive antagonism to slavery, his unfailing championship of the weak against the strong, that his determination to secure, if he could, the rights of labor without prejudice to capital might well have been anticipated. Though no act of assembly was founded upon the report, it appears to have been instrumental in solving the existing deadlock between miners, operators and railroad men, for Senator Olmsted's letter files contain information from the chairman of the committee to the effect that an arbitration plan had been accepted. It is believed that this is the first instance of an extension of legislative aid for the solution of a controversy between labor and capital through a legally constituted commission, the Maryland act for such purpose not having been passed until 1878, nor that of New Jersey until 1880, nor the Federal law until 1888.

CHAPTER XI

STATE LEADER AND CANDIDATE

THE close of the session of 1871 left Senator Olmsted in the leadership on the Republican side, and with the respect and personal esteem of the Democratic senators to whom he had been politically opposed.

Soon after adjournment he was besought by influential friends at Williamsport, who desired to urge his appointment as president judge of the Lycoming district, but to this he did not accede. Almost immediately upon his return home he was called into consultation in an important contested election case arising in McKean, known as "Melvin's Case" (reported in 68 Pa. p. 333), wherein it was alleged that whereas the act of 1841 fixed the place for holding elections in Bradford Township at Littleville, the election in question was held half a mile distant, and the Supreme Court held the election invalid. Senator Olmsted did not appear in the case. It was argued in

the Supreme Court by Junius Clark of Warren and Rasselas Brown, of the same place (of whom Senator Olmsted, in casual conversation, was once heard to speak as "the ablest lawyer between Chesapeake Bay and Lake Erie"). Other important litigation awaited his return.

But, notwithstanding his state of health was such that he would have welcomed a period of rest at his own home, this was not to be vouchsafed him. A vacancy was occurring in the office of additional law judge in the seventh judicial district, composed of the counties of Bucks and Montgomery, and it was a pleasing incident that he should receive a letter from his senatorial associate, Hon. Charles H. Stinson, who had just retired from the speaker's chair, urging him to allow the presentation of his name for appointment. "Please consider the matter for one hour," wrote Senator Stinson, "and write to me at once;" and a little later a letter was addressed to Governor Geary, signed by every member of the bar in each of the counties of the district. On the eleventh day of November, a commission was accordingly issued to him for the unexpired term, ending the first day of

December, 1872. He was urged to consider an election for the succeeding term, but since the constitution required a residence in the district, he could not accede at such a sacrifice.

Moreover, his political friends were not content with his withdrawal from political activity. That he retired from the bench with the highest esteem of the bar of the district, is well evidenced by the following tribute uttered by Hon. George Lear at a Republican ratification meeting held in Horticultural Hall, Philadelphia, in October, 1874, when Judge Olmsted was before the people as a state candidate.¹

“Judge Olmsted, the candidate for Lieutenant-Governor, comes from the north tier of counties of the state, not exactly beyond the borders of civilization, but in a region with which the people of Philadelphia and vicinity have but little intercourse. He comes from the country of Wilmot, where the Democracy in this state first repudiated the control of the slaveholding oligarchy, and it is my good fortune to have been permitted to make his personal acquaintance. Three years ago we required a law judge in our judicial district. His name was suggested as a

¹ *The All-Day City Item*, Philadelphia, October 11, 1874.

gentleman fitted for the place. Before applying to the Governor for his appointment, I took it upon myself to institute proper inquiries as to his qualifications for a judicial position, and from the present Judge Mercur, and from Charles R. Buckalew, W. W. Ketcham, William Wallace, and other representative men of the state, of both parties, I received the most unequivocal endorsement of his honorable deportment as a gentleman, his unflinching integrity, sound legal learning, varied acquirements and general intelligence. We recommended his appointment, and it was made; and during the year of his judicial career, I had opportunity to ascertain, and have now the pleasure to verify and confirm the high and unqualified recommendations given to him by the leading men of the state of both political parties. He is a man of that character, ability and qualifications whose election will redound to the honor of the party and the state."

In the month of November, 1871, Hon. John L. Doty wrote from the office of Second Auditor of the United States Treasury Department, assuring him that the delegates from Clinton County in the next congressional nominating convention would be favorable to his nomination as representative from

the eighteenth district (composed of Center, Clinton, Lycoming, Tioga and Potter). A letter from General Kane in the following month indicates that Senator Olmsted's availability for the gubernatorial nomination was being considered in high quarters. He, however, did not enter the field, and General Hartranft was nominated and elected. Soon

*Take great care of your health by not giving
that subject a thought. I predict for you
a forward New Year*

Sincerely yours

Thomas L. Kane

afterwards the Constitutional Convention of 1873 went into session. It framed a revision designed to incorporate into the fundamental law numerous radical changes, and among them extreme restrictions upon local and special legislation, the consideration of which, at the ensuing election, served in great measure to distract public attention from political issues. It created the office of Lieutenant-Governor. The nominee for this office, the new constitution having been ratified and

gone into effect January 1, 1874, was therefore to head the state ticket in the fall of that year. Among Republicans the foremost name for this nomination was that of Arthur G. Olmsted. The large number of candidates, however, indicated "a fair field and no favor." The list included Olmsted of Potter, Stanton of Philadelphia, Graham of Allegheny, Purviance of Butler, Knorr of Columbia, Campbell of Cambria, Flemiken of Greene, Sill of Erie. In more recent times the candidate of one or the other of the great cities would have felt assured of success unless, indeed, the party organization had indicated its own preference. But in this convention Olmsted led Stanton on the first ballot by twenty votes, on the second by sixty-one, on the third by one hundred thirty-four, whereupon Olmsted's nomination was made unanimous. Edward M. Paxson was nominated for Justice of the Supreme Court, Harrison Allen for Auditor General and Robert B. Beath for Secretary of Internal Affairs. "The ticket," as regarded by Alexander K. McClure, "was a very creditable one, as Olmsted was one of the ablest and most respected of the prominent legislators of the state, while Allen had

served creditably in both branches, and Beath was one of the most gallant soldiers." The *North American and United States Gazette*, the morning following the convention, said editorially: "Mr. Olmsted is favorably known throughout the state, and is everywhere spoken of with respect and admiration," and again in the next issue after the Democratic convention:

"Judge Olmsted has always been a leading man in public affairs, and his record is clear of all possible objection, while at the same time he has never shrunk from any responsibility, and faithfully has adhered to his party principles without being afraid to exercise his right of judgment and to criticise freely."

The Philadelphia *Press* treated the nomination editorially in similar eulogistic terms, and added:

"The fact that he comes from a comparatively obscure county, and that he has been nominated by one of the most intelligent and discriminating conventions that ever met in the state, is proof that his capacity has enforced itself upon the attention and gratitude of the commonwealth."

Another influential journal¹ said editorially:

¹ Philadelphia *Inquirer*, August 20, 1874.

“Judge Olmsted is well known throughout the state, and wherever known is respected and beloved. He was repeatedly chosen, while still a young man, to represent his district in the House of Representatives, and subsequently in the Senate of the state, and by the former body he was chosen speaker, thus showing the esteem in which he was held by those who knew him best, whether personally or officially. As speaker of the House, and in his service in the Senate, at the bar and on the bench, he has earned a reputation for firm character and impartial judgment that make him eminently fitted to preside over the deliberations of the State Senate, and, should the emergency occur, to assume the chief magistracy of the commonwealth. Judge Olmsted well represents the devoted and unwavering republicanism of the rural counties, as Judge Paxson that of the city, and with two such names at the head of the ticket, there can be no question of success.”

A few days later the *Philadelphia Press* refers to the nomination as having been received with especial favor by the press of the state, and “given universal satisfaction.” But the Republican party throughout the country was entering upon an unfortunate campaign. The second election of Grant had

left the party disrupted. Powerful leaders, including Greeley and Sumner, had been alienated. In a protesting convention of Labor Reformers, Governor Geary had led on the informal ballot for the presidential nomination. The resumption of specie payments had been a source of division. The country was slowly recovering from the financial panic of 1873. An era of hard times had set in, and agitation had begun for an inflation of the currency. The Ku-Klux Klan had generated the obnoxious Enforcement Acts of Congress. Official complicity in the frauds of the "Whisky Ring," exposed by the Secretary of the Treasury Bristow, and the impeachment of Secretary of War Belknap, had not been without adverse effect upon Republican prestige and prospects. Party leaders in Pennsylvania were uniting upon the presentation of Governor Hartranft for the presidential nomination of 1876, and the agitation of a third term for General Grant was a disturbing cause. The Democrats with great skill turned to their account every point of vantage. The October elections in Ohio and Indiana resulted in favor of the Democratic party, and this had its disheart-

ening effect in the Republican "rank and file." It is hardly a matter of wonder that the elections in November proved a Waterloo for the Republican party. The Democrats swept the country and won a majority in the lower house of Congress for the first time in eighteen years. But Pennsylvania was a Republican state. Two years before the Republican candidates had carried the state by a majority of 140,000. It was, nevertheless, a question whether the party could stem the adverse currents sweeping across the country. Besides, there were unfavorable conditions in the state. Local option was a vexatious issue.

The new constitution had not been put into operation without some friction. Friends of Governor Hartranft and former Governor Geary were not in accord. But Republicans in Pennsylvania, handicapped as they were, entered upon the canvass bravely and with enthusiasm. A stronger ticket could hardly have been nominated.

After the campaign had been running nearly two months, and the wisdom of the convention had commended itself in the public mind, a leading Republican journal of

Philadelphia alluded to the head of the ticket as follows:¹

“Mr. Olmsted’s record as a loyal man is as sound as that of any man in the state, and his character as a legislator is above reproach. No man has ever dared to charge him with corruption. His votes and his voice in the halls of legislation were always on the side of right, and his manly devotion to the National Government in the hour of its peril, and to his state, are part of the proud records of the commonwealth.”

It now seems incredible that at so late a day there should have existed in Pennsylvania, particularly in the counties of the Southern Tier, a serious apprehension of negro usurpation as a result of emancipation. Nevertheless, Democratic distrust over against Republican pride, in respect to the liberation of the slave, constituted throughout the canvass a theme of animated discussion. Latta, the Democratic candidate for Lieutenant-Governor, speaking in the Senate on a bill to give colored passengers equal rights on public conveyances, was quoted as follows:

¹ Philadelphia *Press* editorial, October 8, 1874.

“Any law which proposes to raise them to an equality with the white men of America, is a step towards the formation of a monarchical form of government.”

Judge Olmsted, on the contrary, was regarded as the champion of the rights of the freedmen.

It is needless to follow Judge Olmsted in the course of his attendance at the great gatherings which greeted him throughout the state. It will suffice to mention the single grand Philadelphia ratification meeting, which had been called to be held in Horticultural Hall on the tenth of October. A Pennsylvania canvass, state or national, reaches its climax in that metropolis. In no large city of the Union does such a meeting become so distinctively a matter of the populace. It is an assemblage of the people of Philadelphia. To the candidate it is almost a crucial test. If he should fail on the occasion, or if the meeting should lack the aspect of an outpouring of the people, these circumstances would forebode disaster.

On this October night the auguries were favorable. No indication of success was lacking. On the balcony in front of the hall

Beck's Philadelphia Band rendered patriotic music. Sky-rockets were sent up on Broad Street, and the splendid thoroughfare was ablaze with red and blue lights. The spacious hall was crowded to overflowing. Prominent citizens occupied seats on the platform. Among them were Hon. A. E. Borie, of the Navy portfolio in the Grant cabinet; Hon. William D. Kelley, protection leader in Congress; General H. H. Bingham, afterwards known from his long congressional service as "Father of the House;" Hon. A. C. Harmer, M. C.; Seth Comly, a leader of the Pennsylvania bar; Jeremiah Nicholson, and others. Benjamin H. Brewster, then at the head of the Philadelphia bar, and later Attorney General of the United States, was chosen to preside. At least two hundred and fifty vice-presidents were named, including such widely known Philadelphians as William E. Cramp, John Stackhouse, Edwin H. Fitler, Samuel Bingham, Samuel J. Reeves, Anthony D. Levering, Thomas Dolan, Dr. F. H. Gross, and General Robert Thompson. Among the secretaries were Robert Patterson, General Louis Wagner, Hamilton Disston, George Graham and Simon Gratz. Besides Judge Olmsted,

General Charles Albright and Hon. George Lear were to speak, but Judge Olmsted was to precede them. He had not been previously heard by a Philadelphia audience, nor had it been his fortune to ever before address an assemblage of such magnitude, nor one including so many citizens of distinguished attainments and superior intelligence. But he had not been placed at the head of the Republican state ticket merely because of his qualifications for the performance of the duties of the office of Lieutenant-Governor. He was chosen as the forensic champion of the party, its ablest platform advocate, at a time when it was beset with scandal and criticism and danger, when it was charged with the prevalence of hard times, when its policies respecting the freedman and the enforcement of his civil rights were challenged, in short, when the party needed in the field its ablest exponent and defender. Judge Olmsted was the very incarnation of the Republican faith. Into it he had been born and bred. He breathed its spirit and believed in its mission. He knew its history by heart. Its achievements and purposes were at his tongue's end. They fairly shone as he recounted them.

His address was not only a closely knit argument, meeting his adversaries at every point of dispute, and advancing the standards of his party, but it was illuminated with historic incident, with imagination and vision, rising often into periods of eloquence, which won from the audience their frequent applause. While it fitted the need and the hour, it remains as a classic of masterly exposition and defense. It will repay future study, not only by students of our political history, but also by American youth seeking models of forensic speech.

When the applause following Judge Olmsted's introduction had subsided, he spoke as follows:

“Almost unceasing attention to affairs of a political character seems to be a duty under a government framed like ours: ‘A government of the people, by the people and for the people.’ Not so under a government despotic in its form, where all power springs from the sovereign, and the people, in the language of one of England's hereditary lords, have nothing to do with the laws except to obey them.

“The people of this country, under our republican form of government, while looking

after affairs of state are simply attending to their own business and discharging a duty as much incumbent upon the citizen as the affairs of his own household.

"In a republic a bad administration of public affairs for any length of time is an impossibility if the citizen attends to his duty.

"I speak of these things, fellow-citizens, because I know from my own experience, as well as from observation, how wearied the citizen is apt to become of these constantly recurring political excitements. Yet the demagogue and the political aspirant is never tired of his occupation, and the public interests are never in danger except in times of calm indifference.

"Dangerous political heresies are short lived where the people are all attention. Danger lurks, and lurks only, on a smooth political sea.

"Many men are anxious about the future of the country. Give yourselves no concern about that. The future is boundless, and is counted by eternities; it will take care of itself. It is only the present, illuminated by the past, with which we have to do. Discharge your duty, whatever it may be, and trust that he who comes after you will do his also, enlightened by your example. We learn the danger and the policy of the present hour, from our knowledge of the past. It is our teacher and in its light we go forward.

The Choice of Administration:

"We come again to the question so often presented to us, whether it is best for the interests of the country, that the party that defended its unity and integrity should still exercise a controlling voice in its management, or whether it shall be controlled by the party in the South that sought its destruction by an appeal to arms and the party in the North that acts with it politically. It is a living vital question today, as it was when the air was black with the coming of the armed hosts of treason, and the soil of Pennsylvania was polluted by the tread of the invader.

"True it is, thank God, that the confused noise and bloody garments of war have passed away, and that peace and prosperity reign in their stead. True that the government is united, and not divided, and that from the pine forests of the northern lakes to the orange groves of the Rio Grande the sun never rises upon a master nor sets upon a slave. And to whom do we owe all this? To the Republican party. It, and it alone, sustained always, without qualification and without hesitation, whether upon the tented field, in the political gathering, or the legislative council, the policy that led to this grand fruition. While upon the other hand, the great majority of those who now say that they shall control the government were in arms against it, seeking its

destruction, and the establishment of another government, based upon the crimson suicide and madness of American slavery, while the lesser portion of that party, distributed through another section, without actual treason, gave but a hesitating, doubtful, fault-finding and qualified adhesion to the government. These things have happily passed away, and I take no pleasure in referring to them, but, as I have already said, the light of the past shines upon the present, and by it we go forward. (Applause.)

Probation for the South:

“Upon this subject I wish to be understood. There should be no lines of distinction, so far as political privileges and the rights of citizenship are concerned. While the people of the country yield assent to the grand idea worked out by the war, that the government must exist as a unity, and that it possesses the inherent and constitutional power to maintain that unity against domestic as well as foreign foes, it does not follow from these premises that the man who so recently sought to destroy the government is as safe to intrust with the reins of control as he who imperiled his life to maintain it. (Good!)

“The recollection of the past is yet too vivid all over the land, and will remain so until experience has abundantly demonstrated that

the fire has ceased to burn in the hot and smouldering ashes of treason.

"We passed through a political campaign recently in which we were constantly told that it was the duty of the American people to forget the war, its blood, its trials and its consequences. It was said to be the duty of the people to think and to act as though it had never been. We were asked to do an impossibility. It can never be forgotten. The Lethean river of the Greek mythology could not produce such oblivion. The people of this country never did forget a war. Did they forget that there were Tories in the Revolution? After many years they removed the political disabilities from them, but was one of them ever intrusted with political power by the suffrage of the people? Not one instance in all history. (Applause.)

"Did the people forget that portion of the Federal party that arrayed itself in even a qualified opposition to the War of 1812? They placed no political disabilities upon them, yet as a political party it was destroyed forever. And how with the Mexican War? The Whig party filled the army with its brave young men, and furnished many of its best officers, yet the party at home opposed it as a war without sufficient cause, and for doubtful purposes, and it died utterly from that opposition.

"No political party in this country, as a

political party, has survived opposition to any war in which the government engaged. Much less can it be so of a war that involved the life of the nation itself; and why should it not be so? Pray tell me, where is the motive, the incentive to patriotism, if, when the struggle is over, he who sought to destroy the government to which he owed allegiance, is to be exalted over him who imperiled his life in its defense? The young men of the country should be taught no such lesson. No government on earth could maintain itself under such a policy.

“Mr. Chairman, the hope and safety of the country today, as in the past, exists in the continued success of the Republican party. It is not faultless, and bad men can be found in its ranks, as everywhere else in human society; but its face is set in the right direction, its vision is forward, not backward; it reaches upward and not downward, while all experience shows that the Democratic party cannot safely be intrusted with power. Wherever it has won but the slightest foothold it has betrayed its old spirit with all of its reactionary tendencies. It crops out today all over the South in the form of White Men’s Leagues and other organizations formed for the purpose of ostracising a race of black men and all white men that dare differ from them. These are but the inspiring effects of Demo-

cratic victories in some of the Northern states, which lead a bad element in the South to hope for Democratic ascendancy, and show clearly—far too clearly—what the condition of every man in the South, white or black, who sustained the government during the war, would immediately become should that event occur.

Pledge of Security to the Freedman:

“I would say nothing to exasperate the public mind upon this or any other question; but it is but just to say that a disposition now seems too manifest to undo the work of reconstruction, and to crush the black man betwixt the upper and the nether millstone, to make his condition worse than though he were a slave, to make his liberty and his right of suffrage but as ashes and apples of Sodom in his possession. They mistake the public sentiment. The negro stood faithful to his country’s blue and when he went down into the thick of the battle with you and your sons and brothers on behalf of a government that had previously but done him wrong, the people of the country swore, as by an inspiration coming from the great source of all justice, that though the tongue should cleave to the roof of the mouth, and the right hand forget its cunning, yet the negro should have his right forever: and they will keep that oath.

“By the memory of common cause and common suffering, by all the early political history of this nation, and by all the patriot blood that has been shed, the people have decreed that, while the escutcheons of *social* equality are beyond and outside of the province of government, yet *civil* equality shall belong to all the inhabitants of this land forever.

Tested by Deed, not by Profession:

“There are but two great political parties in the country, and all political history has demonstrated that there can be but two great parties in the field for any length of time, each contending against the other. The country, therefore, must be governed either by the party that fought for the Union, or by the party the majority of whom fought against the Union. Choose ye between the two. Are you willing as Republicans, are you willing as citizens, that this great and mighty change should occur in the administration of either state or national affairs? What has the Republican party, as a party, done that it should forfeit the public confidence?

“Saying nothing of the past, what has the Democratic party of the present hour to offer to you as an inducement to make this change? It passes volumes of resolutions, I admit, in favor of economy and honesty, and, as the

New York *Tribune* recently said of the Democratic platform of a neighboring state, 'It is always refreshing to read resolutions upon this subject, passed by a party out of power, and seeking for power.' But what has it done in the way of reform in any state in which it has been intrusted with power, that commends it to your confidence? Has its legislation been superior to ours? Has its management of state finances excited admiration? There is scarcely a Northern, Eastern, or Western state but what, under Republican rule, has either diminished or entirely wiped out its state indebtedness; while Tennessee, under Democratic administration, has increased her indebtedness thirteen millions, and Virginia, a state claiming to be a model of Democratic government, has increased hers by twelve millions, the State of Mississippi, controlled absolutely by Republicans, and, for the most part, by very black Republicans (cheers), has increased her indebtedness but three millions, an indebtedness she will pay, and not repudiate, as under a former administration (prolonged applause); and in Kentucky, if we may believe the utterances of the great Democratic organ of the Southwest, the *Louisville Courier-Journal*, a state of lawless anarchy exists; and in Missouri, under the Democratic administration, human life has been rendered so unsafe, and her debt

has increased so frightfully, that the people, with Carl Schurz at their head, are aroused as by a sense of impending ruin, and will hurl the Democratic party to the earth at the coming election, with all its false pretensions of honesty upon its head. (Applause.)

“Yet, in the face of these facts, the Democratic party, strengthened by the financial troubles of the country, are seeking to persuade the people to reinstate it in place and power. They mistake both the intelligence and patriotism of the people. They are not ready yet to take so important and dangerous a step, and they cannot be persuaded to do so by the mere catchword of politicians, and by vague and unmeaning charges against those whom they have heretofore delighted to honor. (‘That’s so!’) If reform is necessary, they will seek to accomplish it through the party whose movements are forward and not backward, and not through a party that has been shown by an experience of years to be incapable of reforming itself.

“ ‘The river Rhine, it hath been shown,
Doth wash the city of Cologne;
But, oh ye gods! what power divine
Can ever cleanse the Rhine?’

Republican State Administration:

“I now turn abruptly for a few moments to a discussion of the affairs of our state, for this

is to be an election of state as well as of national importance, and it is proper that they should be discussed. For fourteen years the Republicans have had the management and responsibility incident thereto of the legislation and the financial affairs of Pennsylvania, and, I say, now, in this great presence, and with some knowledge of the truthfulness of what I say, that the financial management of the State of Pennsylvania for these fourteen years challenges the admiration and approval of the intelligent world. They came into power at the commencement of the war, with a debt upon the commonwealth, funded and unfunded, of over forty millions of dollars, with her credit in doubt and her securities depreciated everywhere. In the foreign markets her bonds were but the subject of ridicule and jest. And during these fourteen years they have reduced the state debt by an annual average of over one million dollars.

“In addition to this they paid a temporary war loan of three millions of dollars. They have appropriated from five hundred thousand to one million dollars per annum to the support of the common schools, and for the last eight years have appropriated annually from three to five hundred thousand dollars to the maintenance of soldiers’ orphan schools—the noblest charity the sun ever shone upon. They have appreciated the

bonds of the state until they are sought for in financial circles everywhere as permanent investments, her six per cent currency bonds being worth at last quotations eleven per cent premium.

“To accomplish all this have they increased taxation? Have they laid burdens upon the shoulders of the masses grievous to be borne? No. They have reduced taxation on personal property from three mills to two and one-half mills per cent, and in 1866 they swept the state tax entirely off real estate, from which the commonwealth derived an annual income of one million four hundred and fifty thousand dollars. (Applause.) They have reduced taxation for state purposes, and, in every way possible, lightened the burden of the state government. (Applause.) Could our Democratic friends have done better than this, had they been in power? Has any one a complaint to make? Does any one believe it to be the best policy for the state government to turn out of power the party that has accomplished these reforms and made this *reduction* in our state debt, for the purpose of reinstating the party that *made* the debt? (Cries of ‘No?’ ‘No!’)

“In the State of New York for 1872 the state taxes were \$18,550,000. In Massachusetts the same year, with the population more than one-third less than ours, the state

taxes were \$11,874,000, while in Pennsylvania they were but \$7,076,000.

"And during all these years of Republican control, notwithstanding the vague talks about 'Rings,' and frauds and corruption, in which our opponents have indulged themselves, no man can point to a dollar lost to the treasury by the default or negligence of any one of its treasurers.

"I say again, that our administration of state finances commends itself to the admiration of the world. The New York *Evening Post*, in October last, although a paper of such eminent conservatism that it finds but little in the world to commend, published an editorial upon the financial policy of Pennsylvania, and concluded by declaring that in no state in the Union were the state taxes so cheaply collected, and so directly and honestly disbursed, as in this state.

"No state has excelled ours in its magnificent appropriations to public charities, and when it was determined to celebrate the Centennial of our American Independence in this, the city of its birth, she patriotically stepped to the front with her contribution of one million of dollars.

"Every citizen of Pennsylvania, whatever his political proclivities, has just reason to be proud of our present state administration, particularly of its chief executive officer, Gov-

ernor John F. Hartranft. He was a true and brave officer during all the long years of the war. He was an upright and just Auditor General for more than six years. Yet the Democratic efforts for his defeat when a candidate for the position he now holds are unparalleled in the history of political warfare. He was covered with shame and reproach as with a garment. Yet he was triumphantly elected, and from the hour of his inauguration until the present moment, no newspaper in the commonwealth or elsewhere, no individual of any shade of political belief, has been able to point to a single act of his administration that will not bear the light of the most intelligent and scrutinizing criticism.

Personal Detraction as a Political Weapon:

“It seemed to me, during that contest, that the time had come in American politics where there was no longer any motive or incentive to honesty among public men. The charge of dishonesty and corruption is as easily made against an individual of unflinching integrity as against an abandoned thief. And, indeed, this system of personal detraction has been carried to such an alarming extent that the public can no longer discern, from the surface of a campaign, between an individual fit for public station and one utterly unfit, and I

know of really no policy for the political aspirant to pursue except to stand to his integrity, preserve his own self-respect and let the storm of personal detraction pass over him as it may.

The Democratic Record:

“What are the distinctive principles of the Democratic party today, and what have they been during the entire period of Republican ascendancy? What were they during the war, except dissent from every position assumed by the Republican party, step by step, and year by year, as time rolled on and taught its lessons of public emergency and public necessities?

“First came the declaration of the utter want of constitutional power in the General Government to coerce a rebellious state, then an utter dissent from all measures to which the administration resorted to raise money necessary for the maintenance of the army and the public credit.

“You all remember with what utter contempt they received the first issue of government paper money. Not a Democratic print in the whole land but pronounced the whole issue as unconstitutional and valueless. In that hour of extremity, when the issue of paper money must be made or the government utterly fail, but three Democratic members of

Congress could be found to vote for the bill, and yet at the last session, when the extreme necessity had passed away, the Democrats in the House of Representatives voted thirty-six to thirty-four in favor of issuing more of the same currency. Then, in the order of events, came the most violent and unrelenting opposition to Lincoln's Proclamation of Emancipation; then opposition to putting the negro into the army that he might fight for his freedom and his country; then came determined opposition to the reconstruction amendments of 1866; then opposition, long and prolonged, to the amendment granting suffrage to the colored man, and yet, in 1872, they adopted the Cincinnati platform, which cordially approved of all these measures, and took Horace Greeley, who had but recently been the representative man of the opposition, as their candidate for President. (Loud cheers.) The Cincinnati platform went even further than this, and declared as resolution No. 1: 'We recognize the equality of all men before the law, and hold that it is the duty of the government in its dealings with the people, to mete out equal and exact justice to all, of whatever nation, race, color or persuasion' (applause), embodying in the strongest Anglo-Saxon words to be found, the very essence of Sumner's Civil Rights bill of the last session, against which every Democratic Senator voted.

I have said that the Democratic party was reactionary in its tendencies.

"In its platform at Pittsburgh, it declared the principles of the Civil Rights bill to be injurious to the black man as well as to the white, and that it was 'an unconstitutional invasion of the rights of the states.' These words, 'an unconstitutional invasion of the rights of the states' were thrown in because they had them still on hand. They can be found in every Democratic platform, state or national, from the inception of the war to 1872; applied to every measure of the Republican party for the suppression of the rebellion and the government of the country, and as they travel backwards they begin again to use them, and now all over the South they form White Men's Leagues and prattle again about a white man's government. (Applause.)

Responsibility for Hard Times:

"What new principle in government, or what earnest elaboration of old principles do they now present to the popular consideration? None whatever. Hanging upon 'craggy edges of remorse, anxiety and despair,' the panic is the breast from which they suckle the hope of success, and in their platform at Pittsburgh they actually charge responsibility for the panic upon the admin-

istration. Just how the administration could be charged with the financial disturbances in the country, they, of course, fail to state.

"They might as well have held the party in power responsible for the visit of the grasshopper or the potato bug. Who ever heard the administration of James Buchanan charged with the far greater financial troubles of 1857, or an earlier administration charged with the disasters of 1842? Who ever heard the British Parliament or the British Queen held responsible for the various financial difficulties encountered in England during the last fifty years? Nobody is responsible for a panic. They come unannounced, unexpected and unexplained. They puzzle the philosophy of the wisest, and set at naught all business rules; but if the billion and a half of gold and silver that has been mined in this country since 1850 had been kept in the country instead of being sent abroad to purchase articles that we might have manufactured ourselves, no panic would have occurred. (Tremendous applause.)

"When we are wise enough to adopt the great principle of self-protection, which is as applicable to nations as to individuals, our era of panics will have passed away.

"But I am trespassing upon patience, and must hurry these remarks to a close.

Republican Achievement:

"I have said that the Republican party was not without its faults, but it differs from any other party of which the world has knowledge. It exposes its own corruptness to the public gaze, treads it under foot and moves onward.

"The present Congress at its last session paid its own postage—a thing no Democratic Congress ever did. It repealed the back salary law and annulled the Sanborn contracts. It cut down the annual expenses of the government by seventy-seven millions, and the reduction of the public debt still goes on.

"The Republican party, during all its years of supremacy, has accepted with sublime courage the duties of the hour. It suppressed a gigantic rebellion and emancipated 4,000,000 slaves, and decreed universal suffrage and equal citizenship; it established a uniform national currency and sustained the public debt under most extraordinary burdens; reduced national taxation from the fearful rate imposed at the close of the war till its burden is unfelt and unappreciated by the citizens, and at the same time reduced the national debt at an annual average of one hundred millions of dollars; it established a great principle of national rights and national responsibilities, and recovered thereby fifteen millions of dollars from the British Government for the *Alabama* claims, teaching all

the world that 'peace hath her victories no less renowned than war.' (Enthusiastic applause.) Is any one weak enough to believe that the people will now intrust the government to the control of any party or combination of men that opposed, for the most part, every step of this great progress? No; the Republican party has established its principles in the laws and in the constitution of the country, in the hearts of the people, in the very soil of the American continent, and it will govern the country it has saved." (Applause.)

The text of this address, or oration, as termed in the newspaper head-lines, was published at length in several of the Philadelphia journals on the day following its delivery. The manner in which it was received by the public is not only to be determined by the applause with which it was greeted at the time, but also by such editorial comment as the following:

"There was great interest evinced to hear Judge Olmsted speak, for the position of Lieutenant-Governor is so distinguished a one that it is felt only a man of signal ability should be elevated to it. If there were any doubts entertained by those who did not know Judge Olmsted, of his peculiar fitness for the office to which he was nominated, they

were removed before he had spoken five minutes. His strong, incisive language, clothing profound thoughts, immediately stamped him as one of the most brilliant thinkers and orators ever heard in public in this city, and proved the wisdom of his selection by the convention."¹

Up to the very eve of election a majority for Judge Olmsted was counted upon with confidence. As late as October 29th, the *Philadelphia Press* said editorially:

"Hon. Arthur G. Olmsted will carry the West like a storm."

The election occurred on the 3d of November. On the 5th of that month the *Daily Evening Telegraph* said:

"Judge Olmsted, Republican candidate for Lieutenant-Governor, leads his ticket here and elsewhere, and may possibly be elected by a small majority, but the chances appear to be against him."

For three days the result was in doubt. On Wednesday the *Philadelphia Press* (Republican) claimed the election of the state ticket. On Thursday it said: "We do not give up

¹ *Daily Evening Telegraph*, Philadelphia, October 12, 1874.

the state." On Friday it printed a table showing a plurality of 356 for Latta. His plurality, as officially recorded, was 4,679. The temperance candidate received 4,649 votes. Hence if Judge Olmsted had received the temperance vote, to which his principles and services in the cause of prohibition entitled him, he would have lacked but thirty-one votes of a majority. It is plain that he, a most effective advocate of temperance, having a prohibition county behind him, was defeated by the prohibitionists and liquor men together, a result that has doubtless retarded the cause of prohibition in Pennsylvania. Although Judge Olmsted may have regarded the result

"As the struck eagle stretched upon the plain
Viewed his own feather on the fatal dart,"

nevertheless he was always unswerving in his devotion to the cause. When the question of repeal of prohibition in Potter County subsequently arose, Judge Olmsted was quoted as unalterably opposed to it.

The general reverse of the Republicans throughout the country amounted, however, to a landslide, and sufficiently accounted for

the result in Pennsylvania. It must have been a matter of some personal gratification to Judge Olmsted that his vote exceeded that of General Beath, the exceedingly popular candidate for Secretary of Internal Affairs, and that of the late Chief Justice Paxson for Justice of the Supreme Court.

The high-water mark had been reached in the history of the Republican party of Pennsylvania. It had come to the turning point. Hitherto its policy had been guided by the wisdom of such counselors as Stevens, Wilmot Ulysses Mercur, Thomas Williams, Alexander McClure, W. D. Kelley, Glenni W. Scofield, Edward McPherson and Arthur G. Olmsted. If Senator Olmsted had, by the turn of a vote here and there in less than half the precincts, or say, a single vote in two-thirds of the wards and townships, been elected Lieutenant-Governor, he, instead of Wallace, in the natural course of events, would have passed from the presidency of the Pennsylvania Senate to the Senate of the United States; the need would not have arisen to call the younger Cameron from the presidency of the Northern Central Railroad, nor to have sought new leadership for the party, which,

however sagacious and skilful, should be destined to bring a degree of reproach rather than of honor to the commonwealth, and to inflict upon it the loss in good measure of the prestige to which it had become entitled as the birthplace of the party of Fremont and Lincoln, in whose borders it had rung the bell of liberty to the Southern slave, and raised the standard of protection to American labor.

CHAPTER XII

AS LAWYER AND JUDGE

THE will of the people had been registered in the established way, the Pennsylvania Legislature elected a Democratic Senator, and both branches of Congress passed into Democratic control. Judge Olmsted returned to the long-deferred demands of his profession. It can hardly be said that his practice had suffered in his absence, for in his several legislative terms, as well as through his judicial experience, his reputation for learning and legal ability had become enhanced, so that upon return to his office abundant professional business awaited him.

In his own and adjoining counties he was retained in nearly all important litigation so long as he continued in practice. Contemporary lawyers speak of him in reminiscent letters. Hon. J. C. Johnson, hereinbefore quoted, a former member of the state legislature, and for many years at the

head of the bar in Cameron County, thus writes:

“Upon my admission to the bar in 1866 he came under my observation as a lawyer. When I began practice, Cameron County was in the old fourth judicial district with Potter County. Hon. Robert G. White was the president judge and Hon. Henry W. Williams associate judge. The latter succeeded Judge White as president judge, and in 1871 Stephen F. Wilson became associate judge. In 1882 Judge Olmsted succeeded Wilson as associate judge, and in 1883 he became president judge of the 48th district, composed of Potter and McKean counties, and he retired at the end of his term, in 1902, as president judge of the 55th district, the county of Potter. His long career at the bar was during a period of great advancement and important development in the northern counties of Elk, Cameron, McKean, Potter and Tioga, where he had an extensive and lucrative practice. He was always a leader at the bar. His learning was acknowledged, his keen judgment of men and his knowledge of affairs, and his remarkable power of clear and logical statement won verdicts from juries and decisions from judges, and gave him acknowledged leadership. His integrity was of such a well-known and high character that his friends sometimes said he

was so straight that he leaned backwards—intending to express the opinion that in a controversy where a friend of his was interested, he was so careful not to be chargeable with partiality that there was a probability that his friend would suffer.

“The period covered by Judge Olmsted’s active life was for the old fourth district a very important one. The counties of Tioga, Potter, McKean, Elk and Cameron contained great wealth that awaited development: Lumber, coal, clay, oil and gas. There was need of new and important legislation and the interpretation of new laws. Railroads were to be constructed. Booms for lumber operations and highways were to be opened. Schools were to be provided and all the needs of a rapidly increasing population were to be provided. Judge Olmsted has left the impress of his ability upon this work perhaps more than any other citizen of Potter County.

“He was successful also in business, as the magnitude of his estate attests. He never attempted to reap where he had not sown, and his success in business came through his foresight and good judgment and his confident reliance on action as they directed him.

“Judge Olmsted was admirably equipped for the practice of the law in the field where he undertook it at the time he was admitted.

He both knew and understood the plain people. He could talk with the countryman about the things that he knew interested him in his daily life. He knew as well courtly people and readily carried on negotiations with dignitaries who held the highest state interests in their hands. He was possessed of a high degree of intellectuality. His tastes led him in legal battles into the center of the arena. He enjoyed the legal conflict and he broke his professional lance with the opponent, and bore off on his shield the honors of the fray with great dignity.

"He knew literature and history, and he appropriated and enjoyed the wisest sayings and brightest scintillations of master minds. He was learned in the law, and was able to command his most effective weapons for instant use in the heat of the conflict with either court or jury. He came on when titles were open to contest and land law became important. In the courts common law forms had given way to modern and practical directness and simplicity, and the mind of the lawyer and the judge was free to grasp the essentials in his case. Judge Olmsted entered the lists under favorable conditions for the practice of the law, and was called upon in his early practice to work out first-time solutions of difficult questions arising in and relating to land titles and the lumber industry.

"He was a most companionable man, and yet he lacked some of the elements of a popular and appealing character. I mean that he was not a wit and raconteur as Wilson was, and did not attract the following of the 'boys' as Wilson did.

"I recall when he was candidating for his first nomination as judge we had a protracted contest. Wilson could corral the delegates and entertain them so they would shout with glee, while Olmsted could only retreat to some place where unsavory fragments of the stories could not offend his ears. When the vote was counted, however, it was found that Wilson had only the 'hurrahs;' Olmsted had the votes.

"Judge Olmsted's career was successful and honorable as a man, a citizen, a lawyer and a judge, and affords an example for us all."

In the memorial resolutions adopted by the Potter County bar, this passage occurs:

"In all the traditions of his successes, his singular resourcefulness, shrewdness, and ability, and his instant grasp of every legitimate advantage in the practice of law, there is no hint or insinuation of any action on his part not in strict accord with the highest ethics of the profession. His former associates always commented upon the wonderful accuracy with

which he forecast the procedure of his adversary."

So also the bar of the City of Bradford, in its resolutions, declares that

"In the culminating period of his practice at the bar, no lawyer in Western Pennsylvania was considered more effective before a jury or in the argument of questions of law."

The following is the estimate of a cotemporary journalist:¹

"As a lawyer he was keen, analytical, tactful and resourceful. In those early years 'decided cases' had not so thoroughly outlined the legal practice as at the present time, and the legal practitioner was often compelled to resort to reason and logic, to supply the place of the judicially determined law, to win his cases. His ready wit and keen insight into human character made him a formidable opponent and a successful trial lawyer. The great number and variety of suits arising out of early oil operations in McKean and Warren counties gave full opportunity for a display of his legal learning and ability, and he was engaged in nearly every important suit of that busy and litigious period. Often hundreds of thousands of dollars hung in the

¹ *Potter Journal*, September 23, 1914

balance in suits where the skilful turning of a legal hair decided the matter in controversy. He was constantly in contact with many of the highest legal minds of the state, but never at a disadvantage or discredit to himself. He was strong, not only with the court, but also before the jury. He was recognized as one of the most capable advocates in the state. The chief element of his success before both judge and jury was his conservatism. He never made a statement to either judge or jury that he had not first convinced himself was strictly true. His appeals were to the reason rather than to the passions. Apparently trivial incidents in a case were so tactfully handled as to become the turning point in many a legal battle. His practice extended over Potter, McKean and Cameron counties, often reaching into other courts in occasional important cases."

Judge Olmsted enjoyed the relaxation from the strain of political excitement and public service. In the service of his country and his commonwealth he had well-nigh given his life. For the highest measure of success in civil life the physical powers are requisite which are demanded for military service. The impairment of his health was a matter of grave solicitude to his friends throughout the

state, often manifested in their correspondence. He was glad to take up the responsibilities and duties of common citizenship, and to enjoy its varied compensations. It pleased him to have thrust upon him, as it were, the appointment of street commissioner,¹ and he undertook the duties with much zeal and characteristic efficiency. The soldiers' monument subscription had flagged in his absence. He resumed responsibility for it, and in due time published, over his own signature, a carefully itemized account of receipts and expenditures. The subscription list included the names of Peter Herdic, Judge Williams, Judge Wilson, M. E. Olmsted, Captain J. C. Johnson, Col. W. Dwight, Stebbins, Mann, Jones, Ross, Knox, Ormerod, and many others. Up to that time the work had cost \$1,177.21. The excess of payments over receipts was \$248.95. The contract was let to Joseph Schwartzburg for \$750.00, but the price was inadequate. "It cost at least one hundred dollars," says the report, "to move the three large stones from the quarries to the place where they were finally dressed. This work was generously done by farmers in the vicinity, who had

¹ *Potter Journal*, March 11, 1875.

suitable teams, without charge." The initial meeting in this public enterprise was held September 20, 1869, at which time the project was put in the hands of a committee of four: Captain Kinney, Captain Horton, Hon. Arthur G. Olmsted and S. S. Greenman. The memorial column was raised December 20, 1874, but it was not until April, 1887, that the statue of a soldier was placed on the shaft.

During all these years there was no relinquishment of the railroad project which was to connect Coudersport with the civilized world, and bring to the inhabitants of the county the blessings and advantages which its means of development would afford. Judge Olmsted was still the central figure at the hearthstone within which the fire of this purpose was kept burning. At a meeting of the stockholders of the Jersey Shore, Pine Creek and Buffalo Railway Company, held January 14, 1878, John S. Ross was elected president, and Arthur G. Olmsted, Arch F. Jones, Charles H. Armstrong, Pierre A. Stebbins, Jr., William K. Jones and D. C. Larrabee were elected directors. Between Jersey Shore and Coudersport the project had become

stalled. The Reading Railroad Company, which had assisted, withdrew its co-operation, and in 1876 work had ceased. Attention was finally directed to securing by an independent movement the right of way between Coudersport and Port Allegany.

About this time, in the winter of 1879, the Tidewater Pipe Line Company established a telegraph office at Coudersport. The *Philadelphia Record*, in its issue of the 20th of February, said:

“We welcome the people of Coudersport into the electric circle that holds the world together in quick intelligence.”

The *Potter Journal*, in a little later issue (March 6), hailing this achievement, reviews the steps of progress since its establishment in 1848, when there was neither railroad nor telegraph nearer than Hornellsville, a distance of fifty-four miles. On the 12th day of February, 1851, the cars ran through to Cuba, and soon after a daily stage was started, and the mail was carried six times a week thenceforward between Wellsville and Coudersport. It mentions the completion of the Philadelphia and Erie Railroad to Em-

porium in October, 1863, soon after which a daily mail was carried between Emporium and Coudersport. The Buffalo, New York and Philadelphia was completed January 1, 1873, from Emporium to Buffalo.

“These progressive steps,” said the *Journal*, “have all worked great improvements in this county, and taken all together have reduced the price of goods in Coudersport at least fifty per cent, and have added that much to the comfort of living here.”

Noting the completion of the Tidewater telegraph line through to Williamsport, it proceeds to say:

“The pipe line which is being pushed with great vigor is soon to follow, and then we hope the crowning step—the railroad! Why not? Is there not as much undeveloped wealth waiting for the railroad to give it activity, as for the pipe line?”

In 1881 George Magee and his associates had come into control of the right of way between Coudersport and Port Allegany, and Judge Olmsted, together with F. W. Knox, having organized sufficient capital among the citizens of Coudersport, Olean and Smethport,

negotiated with Magee for the right of way, and finally consummated the purchase. Thereupon they procured incorporation first as the Coudersport and Olean Railroad Company, but afterwards changed the name to Coudersport and Port Allegany Railroad Company. Eight directors were chosen, namely: F. W. Knox, president, Arthur G. Olmsted, Isaac Benson, F. H. Root of Buffalo, A. M. Benton of Port Allegany, B. D. Hamlin of Smethport, C. S. Cary and C. V. B. Barse of Olean, and F. H. Arnot of Elmira. The road was constructed, and on the 26th day of September, 1882, the first passenger train ran over it from Port Allegany to Coudersport. The great enterprise which had so long engaged the hopes and fears of the people of Potter County had at last been consummated.

Further development of railroad lines through the county came in rapid sequence by logical stages. The conversion of the great forests into lumber and chemical wood necessitated the establishment of mills and factories of immense capacity, particularly at Austin and Galeton, and the extension to them of railroad facilities. The discovery of natural gas and petroleum along the western border

of the county, where the timber had already been depleted, afforded a considerable reinforcement of the material resources of the county now being rapidly developed. The prediction of Judge Olmsted, addressing the Pennsylvania Senate, of the disclosure of unbounded natural wealth, is being verified. The population of Coudersport, which in 1880 was less than seven hundred, rapidly ran up to more than three thousand. So throughout the county new towns have been established, and old towns have prospered. The enterprise of the citizens of the county seat under the quickening hand of Judge Olmsted kept pace with the public need. Thus, in 1882, together with F. W. Knox and R. L. Nichols, he organized the Citizens' Water Company for the supply of water to the inhabitants. The need of such a supply, not only for domestic uses, but also for fire service, had been keenly felt, for, in 1880, on the 25th of May, the business center of the borough was fire-swept, three whole squares having been destroyed, including blocks of stores on Main Street and on both sides of Second Street. The office of Olmsted and Larrabee on Second Street was burned. They found temporary

desk-room in the sheriff's office in the courthouse.

The time came when the inhabitants of Coudersport were eager to enjoy the advantages of natural gas for light and fuel. Through the efforts of Judge Olmsted, W. I. Lewis and others, a natural gas company was organized and incorporated, of which Judge Olmsted was chosen president, and by means of which the inhabitants of the borough were afterwards supplied with natural gas.

Throughout this period of his political inactivity, Judge Olmsted's counsel was occasionally sought respecting party policy. Once when factional division became threatening and the forthcoming state convention promised to be turbulent, an exigency requiring the services of a veteran parliamentarian, cool, impartial, experienced, skilful—he yielded to the call, and presided over the convention with distinction and success. The interval of eight years succeeding the disastrous canvass of 1874 enabled Judge Olmsted to carry through the railroad project upon which he had set his heart, and bring to a consummation other matters affecting public interests, as well as his own.

In 1882 he succeeded Hon. Stephen F. Wilson as additional law judge of the fourth judicial district, composed of Potter, Tioga, McKean and Cameron, and the following year, upon a reapportionment, he became president judge of the forty-eighth district, composed of the counties of McKean and Potter. In 1892 he was re-elected and by subsequent re-apportionment Potter was created an independent district, of which he became president judge. His second term expired in 1902. Hence his services on the bench were continuous for a period of twenty years, during which exactly one hundred volumes (102d to 202d) of Supreme Court Reports were issued. Comparatively few appeals were taken from his decisions, and he was rarely reversed. Among the appealed cases most frequently cited were the following:

- Jones *vs.* Backus, 114 Pa., 120;
- Short *vs.* Miller, 120 Pa., 470;
- Taylor *vs.* Wright, 126 Pa., 617;
- Gates *vs.* Watt, 127 Pa., 20;
- Pullman *vs.* Smith, 135 Pa., 188;
- Titus *vs.* Railroad Co., 136 Pa., 618;
- Edgett *vs.* Douglas, 144 Pa., 95;
- Genesee-Fork Imp. Co. *vs.* Ivers, 144 Pa., 114;

- Wilmoth *vs.* Hensel, 151 Pa., 200;
 Goodyear *vs.* Brown, 155 Pa., 514;
 Warren Gas Light Co. *vs.* Penna. Gas Co.,
 161 Pa., 510;
 Strong, Deemer & Co. *vs.* Dininney, 175 Pa.,
 586;
 National Transit Co. *vs.* Pipe Line Co.,
 180 Pa., 224;
 Miller *vs.* Bradford, 186 Pa., 164;
 Western New York & Penna. R. R. Co. *vs.*
 Buffalo, Rochester & Pittsburgh Ry. Co.,
 186 Pa., 212.

Other cases came to trial which at the time were regarded as of transcendent importance. About the year 1890 a series of ejectments were instituted in McKean, Elk and Cameron counties, wherein the McKean and Elk Land and Improvement Company, of which the venerable Hon. Henry M. Watts, formerly Supreme Court reporter, and later United States Minister to Russia, was then president, was plaintiff, and William Hacker and Harry G. Clay, prominent citizens of Philadelphia, were defendants. These suits were brought to recover large tracts of land whose value, by reason of the discovery of oil and gas in the vicinity, had risen to great magnitude. The first of the series was tried

at Smethport. Judge Olmsted presided. Distinguished non-resident lawyers were present and took part in the trial, including Franklin B. Gowen and William W. Wiltbank of Philadelphia (and later George A. Jenks of Brookville), for the plaintiff, and John G. Johnson and E. Hunn Hanson of Philadelphia, M. F. Elliott of Wellsboro and C. H. McCauley of Ridgway, for the defendants. Verdict was entered for the defendants. The second case was tried at Ridgway before Judge Charles A. Mayer, with like result. Upon appeal from the Elk County judgment the decision was affirmed. Incidentally, this determination was a judicial vindication of the course of General Thomas L. Kane in the transactions involved.

The divorce proceeding of Theodore N. Barnsdall (reported in 171 Pa., 625), also tried before Judge Olmsted, at Smethport, in which numerous able lawyers were employed, attracted wide attention, chiefly because of the prominence of the plaintiff in business circles, his reputation as a pioneer oil producer and later as the most extensive individual operator in the United States. The litigation resulted in a verdict for the defendant, and the

decision rendered lost its value as a precedent by reason of a supplemental enactment pending the appeal.

The late Hon. Thomas A. Morrison, a judge of the Superior Court, and for several years officially associated with Judge Olmsted as additional law judge, in an admirable reminiscent address, spoke as follows:

“My first personal acquaintance began with Judge Olmsted early in the year 1880, although I knew him well by reputation as a distinguished lawyer and legislator for many years. During all my intimate relations with Judge Olmsted as a lawyer and judge, I never discovered any wavering on his part from a desire to discharge his duty in a just and equitable manner on all occasions. The friendship that existed between him and me extended over many years, and while occasionally we differed upon legal questions, there never was to my knowledge the slightest interruption of the warm friendship that existed between us. When we could not agree as to the law governing a case, we were always able to agree that the one who ought to decide the case should proceed with it, and if the counsel desired to except, we always gave him that privilege so that he could carry his case to the Supreme Court and have it

determined by that body. I am confident that nobody ever heard Judge Olmsted criticize any judicial action on my part, and I am sure that I never said anything reflecting on Judge Olmsted's great ability and judicial fairness. I have already indicated that I regarded Judge Olmsted as a very remarkable man; I consider that he had one of the finest minds of any man whose personal acquaintance I was privileged to form. He was a close thinker, and one of the clearest reasoners on the bench in Pennsylvania. His mind always seemed to seek for the correct solution of every question that came before him judicially."

Near the close of his judicial career, his "home paper," the *Journal*,¹ said of Judge Olmsted:

"The retirement at the end of his term was with the approving plaudit of the people of his district as having been an honest, fearless, capable and upright judge. Soon after his accession to the bench he came to be recognized as one of the most capable judges in the commonwealth. His legal opinions were quoted with high respect throughout the courts of the state, and in the Supreme Court they were received with notable consideration. He suffered as few reversals, in propor-

¹ *Potter Journal*.

tion to the litigation, as any judge in the state. His despatch of the business of the courts became particularly marked. He caught legal propositions quickly, and was prompt and decisive in his rulings, and vigorous in the disposition of business. He held the respect of the entire bar, and his rulings were gracefully received. In all his decisions in which judicial discretion was exercised, his rulings were invariably in the interest of public morals and the uplifting of society."

The bar of the district during the respective terms of Judge Olmsted's judicial service, as well as in the preceding period of his practice, was of superior rank. McKean County was the first to be developed, and the richest in resources of the counties of the Northern Oil District of Pennsylvania. Titles began to be contested, and transfers and contracts to multiply until litigation of importance arose, and the court-room at the stated terms was fairly crowded. Lawyers of distinction from other counties came not infrequently, particularly on the opening days of the terms. C. B. Curtis and Ross Thompson came from Erie, Brawley and Douglas from Meadville, Roger Sherman from Titusville, Mason from Mercer, Hancock, Lee and Osmer from Franklin,

Rasselas Brown, C. W. Stone and W. D. Brown from Warren, George A. Jenks from Brookville, John G. Hall from Ridgway, M. F. Elliott from Wellsboro, and C. S. Cary from Olean. The McKean bar was itself exceptionally strong, including, among others, Byron D. Hamlin, John C. Backus, David Sterrett, Henry King, E. R. Mayo, Thomas A. Morrison, E. L. Keenan, J. W. Bouton, Sheridan Gorton and John Apple, of Smethport; George A. Berry, N. B. Smiley, A. Leo Weil, W. J. Milliken, Eugene Mullin, W. B. Chapman and J. M. McClure, of Bradford; John E. Mullin, of Kane; S. W. Smith, of Port Allegany; W. E. Burdick, of Duke Center, and P. R. Cotter, of Eldred. It is probable that there were notable days within Judge Olmsted's recollection when there were more lawyers of distinction in the court-room at Smethport than were ever assembled at one time in the court-room of any other district court in the commonwealth.

The Potter bar during the same period included, among others, D. C. Larrabee, H. C. Dornan, W. I. Lewis, W. F. DuBois, W. K. Swetland, John Ormerod, Fred C. Leonard, A. S. Heck and Newton Peck.

To have so presided in the respective courts of a district of such considerable importance, during a period of its development of such historical consequence, as to win at the end the unqualified commendation of the members of its bar, was the fittest crowning of Judge Olmsted's judicial service.

When the opportunity came to the bar of Potter County, it thus placed its estimate upon his judicial career:

"His judicial experience was state-wide, as was his reputation as an upright and able jurist. During more than a quarter of a century of continuous judicial service, it became his duty to pass upon many principles theretofore judicially undetermined, and the large number of leading cases in which his judgment was confirmed by the appellate courts evinces the clarity of mind with which he applied the fundamental principles of justice to such questions.

"He was quick to appreciate the essentials involved in any litigation, or to draft the intent and weigh the merit of a legal argument. The fact that during his entire judicial career, no improper motive was attributed to any judicial act of his even by disappointed litigants, indicates the contemporaneous recognition given his strict integ-

city, not only in his judicial capacity, but also in his private affairs."

The bar of McKean gave its concurrent expression:

"His wide learning," said the resolutions, "his clear mind, his unblemished integrity, raised him to eminence among the judges of the commonwealth, and among the ablest and most honored of those judges he ranked as a distinguished peer."

Not less affirmative was the testimonial of the bar of the City of Bradford:

"He was invariably patient, conscientious, able and learned. The trials which he conducted were often illuminated by flashes of humor of which he had a fine appreciation."

In a recent address W. J. Milliken, Esquire, has spoken of Judge Olmsted's conservative caution:

"This did not spring," said he, "from self-distrust, nor from mere timidity, but from his trained habit of careful investigation, which sought to know whether propositions advanced, or conditions asserted to exist, had any true foundation, either in fact or principle. Though a thing seemed plausible, whether in law or anything else, it did not

gain his acceptance without rigorous demonstration. In all things his sympathies and feelings were made subordinate to his reason."

He presided over the court with true dignity, without ostentation, oblivious to the galleries. The prosaic procedure of the courtroom was often enlivened by his quaint humor. Intense situations were relieved by it. To a lawyer who urged that on a former hearing of the case he had forcibly argued his present contention, the Judge dryly interjected:

"I remember the argument, but I do not remember the force."

To a grand juror begging to be excused from attendance because of his deafness in one ear, the Judge replied:

"You will do. You are only to hear one side of the case."

The bar repeatedly sought to do him honor at banquet or reception, but he always eluded it. Whenever caught for an after-dinner speech, he spoke with grace and fluency and wit becoming the occasion, but he was known to light his cigar and walk out before he could be called upon.

The duties of the bench were not distateful to him, although their responsibility he keenly felt. He appeared to have no ambition for a seat in either of the appellate courts. It is doubtful whether he would have enjoyed a position where his strong individuality would have been measurably tempered or in some degree restrained. He seconded no movement in that direction, although once or twice it was put on foot without his instigation. Particularly when a vacancy on the Supreme bench was caused by the death of Justice Williams, the *Bradford Evening Star*¹ mentioned Judge Olmsted as "eminently qualified," and added that his appointment would be "a strong acquisition to the bench of the highest court. He has figured prominently in state affairs, and his reputation as an able and impartial jurist extends from one end of the commonwealth to the other." The *Port Allegany Reporter* and *Austin Autograph* commended the suggestion. Other papers in the same quarter of the state expressed regret that his illness might preclude the merited honor.

¹ *Bradford Evening Star*, January 30, 1899.

In fact, his health was not equal to the strain which the duties of such a position would have exacted. As his judicial service came to a close, he fairly coveted the relaxation of private life. He was then seventy-five years of age. He might say, with Emerson:

“It is time to be old,
To take in sail:—
The god of bounds,
Who sets to seas a shore
Came to me in his fatal rounds,
And said: No more!”

CHAPTER XIII

ROUNDING THE YEARS

HE was entering upon the period of retrospection.

“Coming into the county as a boy,” observes an editorial neighbor,¹ “when it was new, his life has been a part of its history and occupies a conspicuous place in it. He knew the county when it was little more than a wilderness, its citizens suffering all the inconveniences and trials of the backwood’s settler life. He knew their privations and sympathized with their hardships. He has lived to see all the early settlers pass into the Great Beyond, and the rugged forests change into beautiful fertile farms. He has witnessed the passing of the log cabin and seen it replaced with neat, comfortable homes. He is the last remaining member of the old Potter bar which was composed of as vigorous and active class of men as were to be found in the profession anywhere.”

In the language of another journalist writing at the time:

¹ *Potter Journal*

"He knows every hill and dale, and it is given to him to know the people as few people know them. He knew the rugged pioneers who conquered the wilderness, and their joys and sorrows were an open book."¹

His judicial duties had not taken him very far, nor often, from his own fireside, and had comported better with his physical condition than would the duties of political leadership, involving, perhaps, congressional service. When the time was opportune for such service, he had felt unequal to the test which it would have put upon his impaired vitality. In the national arena he would have added new luster to the statesmanship of the Northern Tier. It has already much to its credit. It has been the nursery of great cardinal governmental policies.

First, the Free School System. A third of a century before the State of New York established such system, the Connecticut settlers of the Wyoming Valley² under the leadership of Timothy Pickering,³ a delegate in the Consti-

¹ Bolivar Breeze.

² Three shares of land were set apart, one for the maintenance of public schools, another for the erection of a meeting-house, and a third for the support of a minister. —Matthews on *Expansion of New England*.

³ Wickersham's *History of Education in Pennsylvania*, 259. Timothy Pickering, Postmaster General, Secretary of War, Secretary of State, took a Connecticut title, as Ethan Allen did, but he wisely foresaw the ultimate supremacy of Pennsylvania,

tutional Convention of 1790, who had brought from Massachusetts to Wyoming the germ of its policy, successfully resisted Thomas McKean, who, at a critical juncture, although a powerful friend of the cause of education, mistakenly sought to restrict the public schools to the indigent; and thus the system in Pennsylvania was early planted upon a broad and enduring foundation.

Second, the Wilmot Proviso. This proposition, of which David Wilmot¹ was the recognized sponsor and able champion, if not the author, became the rock upon which political parties were wrecked and the country divided—a division which resulted in civil war and eventually in the abolition of slavery.

and exerted his distinguished ability to procure effective compromise legislation. He lived at Wilkes-Barre for several years prior to his summons to Washington's cabinet. The dwelling house which he built and occupied on South Main Street is still standing and little changed. On his return from Washington in 1800, he retired to his farm in Susquehanna County, which he named Harmony (Lanesboro), and while engaged in clearing it lived in a primitive log-house. When John Adams came to the Presidency he preferred another for the office of Secretary of State. Estrangement grew into dislike and the quarrel resulted in the retirement of Adams from public life. On the contrary Pickering's friends urged his return to Massachusetts from which state he was ultimately elected to the United States Senate. Criticising the statement of Adams (in 1809) that "Great Britain is the natural enemy of the United States," Pickering with great courage and almost prophetic wisdom expressed himself as follows:

"A new reason now urges the United States to maintain a friendly connexion with Great-Britain: Hers is the only free and independent country in Europe; and Ours the only other country in the World in a condition to cooperate with Britain in sustaining the cause of Liberty on the Earth."

¹ Son of Randall Wilmot, of Woodbridge, Connecticut, and hereinbefore mentioned.

Third, the Homestead Law.¹ Controversy over the titles of the Connecticut claimants, incidental adjudication, and ultimate recognition of their homestead rights, and the incorporation of the principle involved into the law of the commonwealth, generated under the championship of Galusha A. Grow² a like, though broader, homestead policy for the general government.

There are national exigencies, too, such as the existence of war, when congressional leaders are demanded, of rare wisdom, sagacity, patriotism, and in such time of need the Northern Tier has not failed to respond. Glenni W. Scofield,³ second only to Thaddeus Stevens, led the Pennsylvania delegation during the contest between the North and the

¹ It is to be noted that eleven years before the Homestead Law was enacted by Congress, the Potter County pioneers in their Free Soil Convention of 1851, hereinbefore mentioned, declared in favor of "land reform" in its broadest sense, that every family may have a home exempt from levy and sale by execution."

² Born in Ashford, Windham County, Connecticut. "A man who has contributed, as Galusha Grow has, to the lasting welfare of millions, is entitled to the gratitude, not only of his country, but of the world."—JOHN HAY.

When the late Czar of Russia was asked by General Nelson A. Miles what he intended to do with Siberia upon the completion of the East and West Railroad, His Majesty replied:

"We intend to do with it what your great statesman, Mr. Grow, did with the public domain of the United States. In due time we shall give it to the people, because we are convinced that the Homestead Law is the most valuable enactment ever placed on the statute books of nations."

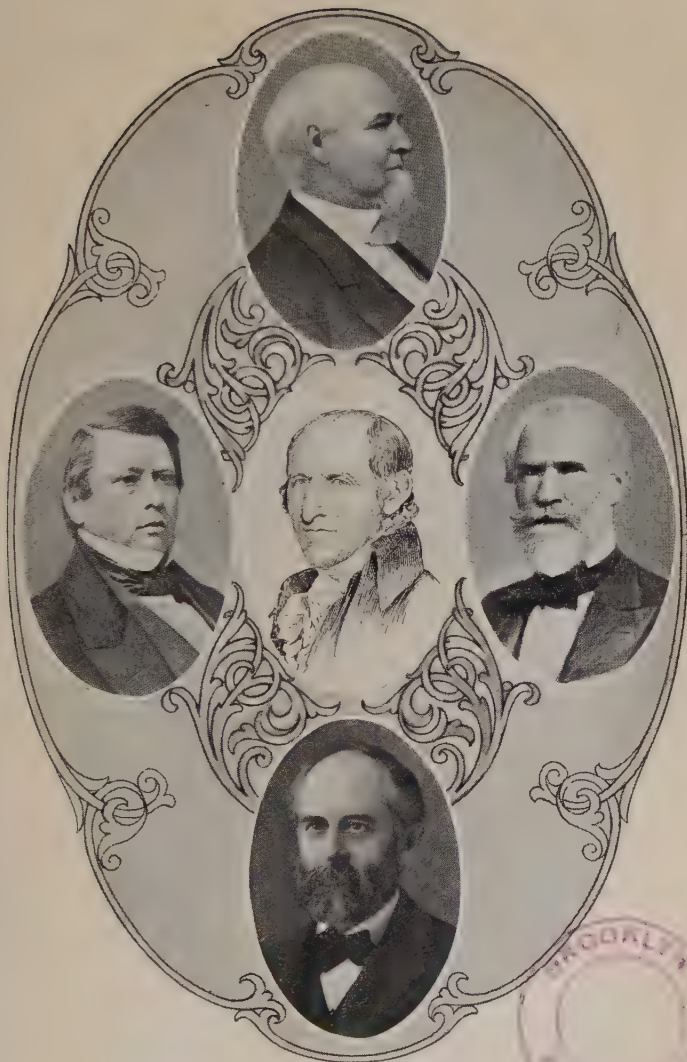
³ Son of Darius Schofield, of Stamford, Connecticut. Judge Scofield represented in Congress the Warren-Venango district of Pennsylvania for twelve years, covering the period of the Civil War, during which he was chairman of the Committee on Naval Affairs. Referring to instances of promotion from the House to the Senate and to the Cabinet of members who had been prominent in the debate upon the XIIIth Constitutional Amendment, Seilhamer says: But Glenni W. Scofield and M. Russell Thayer, being Pennsylvanians, went unrewarded of the higher prefer-

South, and Charles W. Stone¹ held no lower place of influence during the Spanish-American War. But there was an era in the history of these counties when they had a cause without a leader, and their cause lingered and suffered in consequence. In the category it may be designated as follows:

Fourth, Corporation Restraint. It was in the oil region of Pennsylvania, particularly the northwestern counties of McKean, Crawford and Venango, that a popular revolt first occurred against corporate aggression. It arose in the first instance by reason of freight discrimination in favor of the Standard Oil Company, and became more and more intense as corporations multiplied, combined and coalesced into obnoxious trusts. A delegation was sent to Washington, and the attention of Roscoe Conkling, the distinguished Senator

ment that Pennsylvania has always denied to her ablest men in the House."—Hist. Rep. Party, 171.

¹ A native of Groton, Massachusetts, first Republican Lieutenant-Governor of Pennsylvania, Senator and Representative, Secretary of the Commonwealth. He represented in Congress the district, including Warren, from 1890 to 1899. He was chairman of the Committee on Coinage, Weights and Measures during the free silver agitation. He was repeatedly mentioned for the office of Governor. Senator Quay opposed his nomination, and in the Republican convention of 1890 sacrificed the election to prevent it. The candidate whom he named suffered an anticipated defeat at the polls. In the convention of 1894 Stone's nomination was prevented by a change of seven votes after the arrival of Quay. Former Governor Pennypacker, in his Autobiography (p. 329), relates that when the name of a distinguished jurist was suggested for promotion to the Supreme Bench Quay said, "No, I will oppose him. He is one of those Yankees from around Wilkesbarre, and you cannot trust one of them." It was not Senator Quay's habit to be looking for leaders, but always for followers. He and they constituted The Organization.



WILMOT

SCOFIELD
PICKERING
STONE

GROW



from New York, was engaged. Some formative progress was made. It was at this juncture that the movement called for its own representative in Congress, one having the ability, the legal knowledge, the legislative experience and parliamentary skill of Arthur G. Olmsted. He seemed born for the mission, trained for the crisis, the man for the hour. Under such leadership, springing from the body of the people under oppression, and yet possessing in large measure the confidence of corporate interests, appropriate constructive measures might have been devised, which, while effective for the primary purpose, would yet have been less destructive and grinding in their operation. But the leader which the times indicated, and whom the course of events had thus selected, was unable to respond. The cause of the people was passed on to Senator John Sherman, of Ohio, of like Hartford and Essex ancestry, who, by a single act, laid the foundation for a new governmental policy toward corporations. But it was like a seed that is planted and left for years to germinate.

Judge Olmsted's private affairs now demanded undivided attention. His invest-

ments had become large and varied. They included material interests in the South, as well as in corporate and kindred enterprises in his own county. Besides, he had made many loans to farmers and mechanics, in and near Coudersport, to whom he gave at need numerous renewals and extensions.¹ He had meditated, too, upon certain projects of advantage to the community at Coudersport. In 1890 he had presented the Coudersport fire department with a hose-cart. In 1895 two hose companies were organized and chartered, one in the first ward to be known as A. G. Olmsted Hose Company. In 1905 he began the erection of the present fire station which, costing when completed \$4,000, together with the equipment costing \$551.00, he, on the 17th day of August, 1905, presented to the fire department. Another institution, in the organization of which Judge Olmsted was instrumental, is the Citizens' Trust Company, a company which, from its nature, its powers under the law, is calculated to be of much service to the community, and to be an important instrumentality in the

¹ Observing that his will directed that no inventory should be filed, Judge Hamlin said he doubted not that it was because Judge Olmsted did not wish it to be known how many liens he had lost by indulgence.

material advancement of the county. A condensed milk factory was organized in 1900, of which Judge Olmsted was chosen president; J. Newton Peck, vice-president; M. S. Thompson, treasurer, and A. B. Mann, secretary. Judge Olmsted had builded for the borough and the county better than he knew. He never spoke of anything he had done as in the nature of a benefaction to the community, nor, in fact, looked back to see what he had accomplished. He would not willingly have listened to the enumeration: the railroad that opened up the wilderness, the telegraph, the library, the soldiers' monument, the water supply, the gas supply, the fire protection, the trust company. Besides his very life had been a public service, in the cause of freedom, of temperance, for the Union, in the House, in the Senate, on the bench. The county had been his companion. They were young together. He had kept step with it. It had grown old along with him. Its hundredth anniversary approached. He may have urged its recognition, and willingly taken some minor part in promoting its celebration. But it was not for him to speak the praises of the century. To the gathered

multitude on the tenth day of August, 1904, President Colcord fitly said:

"The voice of a hundred years has called to the people of Potter County, bidding them pause for a brief while and take note of the flight of centuries;"

and then he introduced Hon. Marlin E. Olmsted, LL.D.,¹ of Harrisburg, as the anniversary orator, saying:

"I shall introduce him as a Potter County boy, who from this humble village went out into the world in early life to seek his fortune, and as we listen to his voice this afternoon, we will not forget that that voice in the halls of Congress, and in the councils of the nation, commands respectful attention from the foremost statesmen of America."

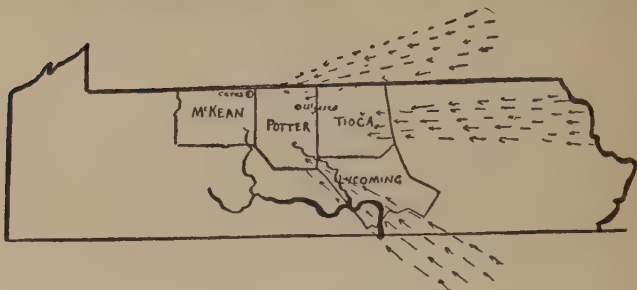
The oration which followed was replete with historical incident. It narrated the purchase of 1784 from the Six Nations of all this region for \$5,000 and the later purchase of the same lands from the Wyandot and

¹ A biographical sketch of the speaker in *Genealogy of the Olmsted Family in America* says, *inter alia*: "In 1869 he was, through the influence of Senator Olmsted, tendered a position in the State Treasury, but the then State Treasurer, Robert W. Mackey, learning of his youth and inexperience, traded him off, as it were, to Auditor General Hartranft, in whose office he rose to the responsible position of Corporation Clerk, re-drafted the general revenue laws, afterwards entered upon the study of law; was admitted to practice, rapidly rose in his profession, was elected to Congress and re-elected, attaining high distinction as a legislator and parliamentarian."

Delaware tribes for \$2,000, and how the deed was signed by the sachems, Half King, Sweat House, the Pipe, the Present, the Council Door, the Big Cat, The Twisting Vine, The Volunteer, The Desire of All, with their own peculiar devices, such as a bow and arrow, a spear, intertwining vines. He mentioned the fact that when the act of January 13, 1804, was passed creating the present counties of Potter, McKean, Jefferson, Clearfield, Tioga and Cambria, the legislature was in session at Lancaster. As the act passed the House, the county of Potter bore the beautiful Indian name Sinnemahoning, and it was proposed to substitute Potter for the name of McKean, but in perfecting the measure Sinnemahoning was sent back to its own wild waters, gathered from its sources in both counties, singing its way to the Susquehanna.

“When,” said the orator, “The legislature of 1804 promised the future settlers that a part of the sovereign power of the state should be theirs to exercise, it had faith that the hardy pioneers who should first cultivate these beautiful and fertile valleys, breathe this pure air, imbibe these crystal waters and drink in the spirit of freedom among these hills, would

be men in whom that trust might be safely reposed. Most gloriously has that confidence been justified. No country was ever won from the wilds by men more deserving or more patriotic than those who, from that remarkable



SOURCES OF POPULATION

Potter and McKean were settled by three streams of immigration (a) from the old Wyoming district, (b) from New York and New England, following Wayne's victory and Indian treaty of 1795, (c) Scotch-Irish and Quakers from Philadelphia and the West Branch, including Fair-Play Men.¹ The countries west of the Allegheny, Warren, Crawford, Erie, Mercer and Venango received their early settlers from the same sources in the same decade.²

¹ For many years some doubt existed whether the Indian name Tiadaghton was intended to identify Lycoming Creek or Pine Creek as a boundary under the purchase of 1768, and white settlements were consequently made on the rich lands between. These settlements were repudiated by the government at Philadelphia. Thereupon the settlers organized their own government under the name of Fair Play Men, electing a committee of three to arbitrate all differences. They held their ground until a decision was obtained in their favor. It is an interesting historical incident that, having learned from the East of a growing inclination towards a declaration of independence, the Fair-Play Men determined upon the same course, and having assembled on the plains above Pine Creek, on the 4th of July, 1776, without means of knowledge of the actual events of the day in Philadelphia, adopted a resolution renouncing allegiance to Great Britain and declaring themselves free and independent.

² The superior Nordic type, represented by these several strains, which thus peopled the Northern Tier, although since somewhat depleted by war, has probably suffered less deterioration here than in other sections of the Commonwealth. Moreover, in the last half of the nineteenth century it was reinforced by a considerable influx from Scandinavian countries, which are now, says the ethnologist, Madison Grant, "as they have been for thousands of years, the chief nursery and broodland of the master race."

beginning, have made Potter County what it is today. Though not blessed with an overabundance of this world's goods, they were, in the main, educated, sturdy, intelligent, fearless, liberty-loving, law-abiding, God-fearing men. They had religious services before they had church edifices, and even before they had preachers; and realizing the value of education, they had classes and schools before they could afford schoolhouses."

The speaker mentioned instances of legislation peculiar to the times. Upon the day that the Governor approved the act locating Coudersport, he also signed one making squirrel and crow scalps receivable for taxes. Later the commissioners of Potter County were authorized to pay fifty cents for fox and seventy-five cents for wolf scalps, and still later twenty-five dollars for a full grown wolf and half price for puppies; sixteen dollars for a panther and nine dollars for puppies. Touching salient points in the county's history, the orator finally reached the great county railroad enterprise, the Coudersport and Port Allegany, which he pronounced "a monument to the wisdom and patriotism of its promoters and of untold value and importance to the county."

"Its first effect," said he, "was to encourage the manufacture of lumber at home. This was greatly increased when Frank H. Goodyear, having from 'The Lookout' conceived the idea of hauling that great forest in manufactured form, up hill, to Keating Summit and thence to Buffalo, built the Sinnemahoning Valley Railroad from 'Squire Austin's house to Keating Summit. It was six miles long, and, as he delights to say, 'all under one management.' It is related that a lady passenger on one of the first trains said she could get off and walk faster. Asked by the conductor why she did not, she replied that she would, except that her folks would not be expecting her so soon. The business in connection with that little railroad became so extensive that the owner induced his brother, C. W. Goodyear, then a prominent young Buffalo lawyer, to join him in the enterprise. Together they have extended it into a great system, with eight or ten millions of stocks and bonds, and nearly two hundred miles of railroad, which will soon afford another outlet to Buffalo. And they have caused great mills to be erected along its line so that the logs which would otherwise have been floated to the Williamsport boom, have been manufactured at home. The wealth and business interests of the county have been thereby vastly increased, and 'Squire Austin's farm,' which, twenty years

ago, stood in the wilderness, is now covered with dwellings, stores and churches. If the promoters have made great fortunes for themselves, they have also done much for the county."

The oration concluded as follows:

"As the headwaters of the Genesee, the Susquehanna and the Allegheny, springing from that wonderful watershed in Allegheny and Ulysses townships, and flowing, respectively, northward to the St. Lawrence, southward to the Chesapeake, and yet further south to the Gulf of Mexico, refresh many counties and many states, and, uniting with other streams, form mighty rivers bearing many burdens and turning many wheels, until, at length, they pour into the ocean and help to bear the mightiest vessels, so the love of liberty and of country and the unalterable sentiments of loyalty and devotion ever present, and ever forming, among the old green hills of Potter, will continually flow forth and, joining with and encouraging similar streams from every part of this fair land, help to swell the great and everlasting ocean of national patriotism upon which our Ship of State may ever safely ride, while 'Old Glory,' now proudly and peacefully waving over forty-five states and a myriad of islands on the sea, emblem of freedom and of protection to eighty millions of people, shall grow even brighter in the blessed radiance of its own increasing stars."

CHAPTER XIV

FOUR-SCORE AND SEVEN

THIS celebration, at which were gathered the sons and daughters of the pioneers, the companions of Judge Olmsted's youth, home-coming from far and wide, his surviving comrades in the civic battles he had won, his associates in the enterprises he had founded, at which were recounted the events of which he had been a part, was a fitting culmination of his public life. And yet there were years of usefulness before him, restful years when he brought minor purposes to fruition, years in which he sat in the twilight as the sage of Coudersport, the general counselor, helpful to many, concerned for the future comfort of his invalid wife and family, his children and grandchildren. He was fond of his carriage horses, and reluctantly yielded to the substitution of the automobile. He drove daily in good weather, and, as if by instinct, back to Ulysses, not alone because it was still the

home of his kindred, but also for a sight of the parental homestead of his boyhood, to which he fondly directed the attention of his fellow-passengers. For dull days he had the excellent companionship of his private library to which he had made important additions in recent years. In his files he could turn to interesting letters, especially letters written during the period of his legislative service. Among his correspondents were Governor

*It will afford me great pleasure
to join the party & spend a few
days with you*

*I am yours most sincerely
J. Hartranft*

Geary, General Hartranft, Chief Justice Woodward, General Kane, Treasurer Mackey, the Republica leader in Pennsylvania during the Civil War, and Senator Rutan, his first lieutenant, Senators Strang and Stinson, Col. Walton Dwight, Captain J. C. Johnson, Peter Herdic, United States Senator J. Donald Cameron, Dr. S. D. Freeman, Representatives H. Jones Brooke and Lucius Rogers, Editor Bowman, Thomas A. Scott, vice-president of

the Pennsylvania Railroad Company and Assistant Secretary of War. Lon M. Konkle, of Philadelphia, wrote, in 1871, offering eight lots in Coudersport for one hundred dollars, and Samuel Lewis, of Pottsville, wrote in the same year offering seven hundred and fifty acres of "valuable timber land" in Potter at ten dollars an acre.

Recalling this quiet period of Judge Olmsted's life, the late Thomas H. Murray, of Clearfield, a leader of the bar in Western Pennsylvania, and prominently mentioned both for judicial and gubernatorial honors, about a year before his death wrote the following appreciative letter:

RECOLLECTIONS OF ARTHUR G. OLMSTED.

Judge Olmsted was of a type of men who are now fast disappearing. Other examples of his class were William L. Corbet of Clarion, John H. Orvis of Centre and Simon P. Wolverton of Northumberland. They will not be reproduced. The conditions which made them, or rather which enabled them to make themselves are here no longer. The older lawyers of today who came to know them well are better lawyers and better men because of their life and example. Their distinction was not merely their intellectual stature, but the

individuality that forged their way through barren soil and unfriendly environment to high rank in their great profession.

Theirs was the day and place of the weekly mail—of the log school house with its slab benches and tin plate stove. The preacher came, if at all, once in three or four weeks. Whatever church he came from he was a circuit rider,—or walker; anyway he had a circuit. This class of lawyers had a personality which protected them from the dwarfing and enervating influences which ensnare so many weaker men under modern conditions of life. Theirs was not a race for the least work and the most leisure, but for the highest achievement. Therefore were they able to come up well equipped from the time of the weekly mail,—to a time when they could, at the breakfast table, read a verbatim report of the speeches made the night before,—at the banquet of the Lord Mayor of London.

I first saw Judge Olmsted about thirty years ago at Harrisburg. He was presiding at a Republican State Convention. I observed him closely, for I had heard much of him, and was then impressed with his self-poise and his entire freedom from mannerisms. He next appeared in May, 1891, at this place to try a land case, involving only title, but with many complications. I tried the case for the plaintiff and Judge Orvis appeared for

the defendants. We were both pleased with his spirit of fairness and his apparent familiarity with the questions raised.

For about six years before retiring from active practice I had a number of cases in Potter County, and was at Coudersport once or twice a year, either to court or to prepare for these cases. Two cases were for a local railroad in which Judge Olmsted was a stockholder. During these times I came closer to him and saw more of him. In the summer of 1905 when I went to court there Mrs. Murray accompanied me. One evening we took supper with him and Mrs. Olmsted. In a trip that included Smethport, Buffalo, Detroit and Mt. Clemens, we met nobody who left with us such pleasant and lasting recollections as these substantial people who had brought down into a life of plenty that genuine hospitality which is usually found at its best—and unmarred by present-day conventionalities—in a sparsely-settled and primitive community. After supper the Judge talked of the books he was then reading. He prefaced what he said of them by the statement that he had not opened a law book for some years. He was reading a book on St. Paul I had never seen. I was much interested in the book and as much in what he said about its contents. He had another book on the distribution of

the races of men over the earth, and spoke particularly of the dominant power of the Aryan people and their language, and of how much of our present-day civilization related back to them. Of the great judges of Pennsylvania, like most of the big lawyers of the olden time, he put Tilghman, and not Gibson, first. He said "his opinions were so exhaustive that when you read one of them, there seems to be nothing left to be said on the subject."

The next day he drove us about the hills and valleys where the years of his life had been spent, and in which much of the thrift and economy of those years had been invested. Judge Olmsted's characteristics were: his substantial and reliable character that rendered him a man of force in the community and part of the state of which he was such a distinguished representative. There were some things he stood for, and these were the better things of life, and there was no difficulty in finding what they were. His clear vision enabled him to so master the mysteries of the law as to reach a top place in his profession. This quality also enabled him, when yet young, to so direct his thrift and energies as to early acquire a competence that protected his declining years from care and anxiety. He lived to a ripe age, honored alike by his people and by the profession which he

adorned both by his learning and by the integrity of his life purpose.

Thomas H. Olmsted

Clearfield, Penna.,
November 18, 1914.

With increasing age Judge Olmsted and his wife felt more keenly the severity of the northern winter. They journeyed one or two seasons to resorts in the South, and, finally, he having acquired interests with Hon. Henry Hamlin, of Smethport, in Southern timber lands, was able to content himself repeatedly for a few weeks in Florida, upon a satisfying theory of combined business and recreation. Judge Hamlin was occasionally his companion at the most famous of the hotels of Palm Beach. Speaking reminiscently some time later, Judge Hamlin was heard to say that he had sat beside Judge Olmsted while he was in conversation with men of culture and education from the East and elsewhere, and that he never suffered in comparison; that his fund of information on all topics seemed inexhaustible. At length Judge Olmsted gave up these winter trips, and shortened his daily rounds. Long after he

was able to give consecutive attention to matters of business, he yet went regularly to his office, to the bank and to the nearest store, where he learned all that for the day it sufficed him to know. His son Robert was his business confidant.

More and more the circle of his interest narrowed to his own home and to the households of his son and daughter. The world seemed to have fallen away from him in the course of time, and left him solitary. His professional associates of other years, Knox, Mann, Benson, Ross, Larrabee, all had gone before him. He had formed many new associations, it is true, but such friends were far and wide. Political issues and party administration were no longer such as engaged the statesmanship of the earlier days. With the religious creed of his fathers he was perfectly familiar, but he seemed to have quietly recognized and accepted the modifications which time and modern scholarship had contributed. Reverent of spirit, he rarely spoke of religion, never to disparage, nor even to discuss it. He recognized it as a social factor, but for himself, it had only negative value. His mind seemed already filled with

other sources of reflection. In his reading he preferred history and biography. Perhaps he regarded religion as only a means to an end, and that the end was an upright life. The sunset of his days had for him only clouds of silver lining, and he enjoyed his comforts, his little circle, his car, his books, his cigar. He had rare, reminiscent moods. Unfortunate it is that the incidents he recalled, his estimates of the elder statesmen and of events once crucial, were never recorded. By and by, his former associates, his old companions, the lawyers who had once been with him at the bar, were again alive. He forgot the circumstance of death, and inquired of their doings from his visitor. His memory lost its tenacity of dates and then of names. His own he would sometimes forget. Pathetic it was beyond expression when one day, so at a loss, he put on his hat and walked down to the store that he might ask Mr. Thompson to be good enough to tell him who he was. One of Emerson's biographers, writing of him, says:

"The failure of his mental machinery to respond to his will left his personal charm singularly undimmed. An artist, who came to his house to paint his portrait after his

memory was nearly gone, said of him: 'I see Mr. Emerson every day, and every day he asks me afresh my name—and I never saw a greater man.' This dominating virtue of personality was long held to account for his pre-eminence among his contemporaries, but time has proved it, so far as it existed apart from his thought and vision, merely the lovely light in which the enduring features of his genius were at once made beautiful and to a degree obscured."

Thus relinquishing his faculties by degrees he became finally quite detached from the community. Though slightly bowed, his presence was still distinguished. As this venerable man walked with measured step along the street or passed by in his car, his townsmen came to regard him very much as a personage from abroad, an ambassador, as it were, from an historic land, of which they had dim knowledge, soon to depart for a country unknown but not far distant. The announcement of his departure came without surprise. The contact between life and death had been gentle. The physical infirmity which in other days had held him back from the great tasks his country would have put upon him, held him no longer. His death occurred on the

eighteenth day of September, 1914, twelve days before his eighty-seventh birthday. As the news spread abroad from farm to farm through the countryside, and from county to county of the Northern Tier, it awoke the memories of other days. The great account of the life that had lingered in the shadow so long was retold at many a fireside—the story of the boy orator of Ulysses, the student lecturer for the library, his later scathing arraignment of the liquor license, his denunciation of chattel slavery, his leadership in the Free Soil movement, his thrilling appeals to the people which rallied the soldiers of Potter County for the defense of the Union; the pride which the people had in him as their representative, his statesmanship in the House and in the Senate; how his failing health had recalled him from a distinguished career; and he had come home, by his ability and genius to dispel the darkness of the wilderness with the searchlight of the locomotive, and make his later years an epitome of the industrial history and material development of the county. Was it any wonder that when, on the following Monday, the funeral services were held, his doorway should have been crowded within

and without, and that representative citizens should have come from Williamsport, Buffalo, Olean, Bradford, Wellsboro, Smethport, Eldred, Austin, Emporium, as well as from the smaller towns of the county to join in tribute to his memory? The body, almost matchless in its proportions, which through its eighty-seven years had borne his undaunted spirit in its high endeavor, found its last resting place at the spot in the cemetery which he had carefully indicated, almost beside the glistening waters of the beloved Allegheny whose banks he had in youth so often trod.

County bar associations adopted memorials and public journals extolled his services. These are seemly, but passing tributes. If in the years to come another generation shall turn these pages and gather from their imperfect record some inspiration towards an upright and effective life, a citizenship of a high order, a superb patriotism, an undeviating devotion to human rights, a high conception and conscientious discharge of public duty, then to the children of Arthur George Olmsted, and his children's children, it will, as the years go by, be the most gratifying memorial.

It is, after all, as if he were in truth born in old Essex, seeing the masts above the Braintree docks, daring the sea for freedom of the conscience, nurtured at Hartford in the new school of liberty, the American university of human rights; born again at Ridgefield, the Connecticut Lexington, to stake his life against the old world tyrant; reappearing at Ballston in the uniform of the Revolution, and once more, in the wilderness at Masonville, to learn the added lessons of border life, finally bringing to Ulysses the undiminished inheritance of this rare lineage, here to respond again to the call of human freedom, and to be highly exemplified, not only in the story that has been written, but in many unnoted deeds, and to pass on into the lives and memories of the generations to come.

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